24CT5244SB

Arrest Report

0548013

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
3/22/2024 10:10 PM	FHP99ARR878420	FHP24ON0145586 / RCC24IN0221002	DESUYO, AISON

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	03/22/2024 20:50:26 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	INTERSTATE 95

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	I-95 NB SOF CR792		BOYNTON BEACH	FL	33435

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
MICHAEL		HELFT		WHITE	MALE	602	250	BLK	BLU

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	07/30/1961	62	E	H413540612700	FL	

Place of Birth:	NEW JERSEY NJ US

Address
* RESIDENCE / 3860 MAX PL APT 201 BLDG 3 , BOYNTON BEACH, FL 33436 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
3/22/2024 8:55:00 PM (20:55)	PUBLIC PLACE	

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	I-95 NB SOF CR792		PALM BEACH	BOYNTON BEACH	FL	33435

Charge :

Counts	Charge	Bond Amount	
1	316.193.1a	$0.00	☐ No Bond

Charge Degree	Charge Level
S	MISDEMEANOR
General Offense Code	Arrest Offense Code
	DUI-UNLAW BLD ALCH

Charge Description
DUI INFLUENCE OF ALCOHOL OR DRUGS

Administrative Code - Description
-

Is Arrestee Juvenile?	No
Type of Arrest	On-View Arrest (apprehension without a warrant or previous incident report)

NOT A CERTIFIED COPY

Shawn Eby

SCANNED
MAR 23 2024

0548013 # 3178

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Bond Set by Court

Bond Amount	☐ No Bond

Bond Type(s)

Probable Cause

On March 22nd, 2024 at approximately 8:50 P.M. I (Trooper Aison Desuyo ID#5157) was on routine patrol traveling north on northbound Interstate 95 (State Road 9) south of County Road 792 (Woolbright Rd). As I was traveling in the outside lane, I observed a black in color Mercedes sedan bearing a FL tag of BY74TJ traveling north in the outside lane. I observed the Mercedes weave between the outside lane and the outside center lane and the outside shoulder. At this time, I began to follow the Mercedes from a safe distance to observe the driving pattern. I observed the Mercedes straddle the outside lane and outside shoulder. I observed the Mercedes speed up to approximately 55 miles per hour (MPH) and slow down to approximately 43 mph in a posted 65 mph speed limit zone. I observed the Mercedes continue to weave in and out of the outside lanes, crossing the marked solid white line of the outside shoulder. It was at this time when I accelerated to get closer to the Mercedes and activate my emergency blue lights and sirens to conduct a traffic stop on the Mercedes.

Upon activating my emergency lights and sirens, the Mercedes pulled over to the outside shoulder. When the Mercedes came to a complete stop in the outside shoulder, I approached the driver side to make contact with the driver (who was identified by his Florida Driver's License (H413540612700) as Michael Helft DOB 07/30/1961). Upon contact with Mr. Helft, I noticed his eyes were glassy and watery. I started to converse with Mr. Helft and I detected an odor of an unknown alcoholic beverage emitting from his breath. I asked Mr. Helft where he was going. He stated he was attempting to go home. I asked him where he was coming from. He advised he was coming from dinner with his father. Throughout my interaction with Mr. Helft, he repeated himself multiple times that he was almost home, and he was driving slow. I advised Mr. Helft that I understood, however, I was conducting an investigation for driving while under the influence (DUI) of alcohol and he was not free to leave.

I asked Mr. Helft if he would be willing to perform voluntary Standardized Field Sobriety Exercises (SFSE). He stated what happens if he does not. I advised him of his Taylor Warnings. Mr. Helft stated he was just trying to go home and asked if I could escort him home. I advised him that was not an option. I asked Mr. Helft once again if he would be willing to perform the voluntary SFSE's. He stated he was not able to perform the exercises that would require him to walk or stand due to medical conditions. After continuously asking Mr. Helft if he would be willing to perform the voluntary SFSE's, he stated yes and exited the vehicle.

Each exercise was explained and demonstrated prior to the defendant performing.

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The following exercises and were conducted with the corresponding clues of impairment listed below:

Horizontal Gaze Nystagmus (HGN) (Blue stimulus light pen used)

- Equal size pupil observed in both eyes
- Equal tracking with both eyes
- Lack of smooth pursuit observed in both eyes
- Distinct and sustained nystagmus at maximum deviation observed on both eyes
- On set prior to 45 degree observed on both eyes
- Orbital Sway

Due to the fact that the defendant stated he had trouble with his ankles and would not be able to complete any exercises that required walking successfully, I did not administer the Walk and Turn or the One Leg Stand exercises.

Based on my investigation, I believed the defendant's normal faculties were impaired and he was placed under arrest for DUI at 08:55 P.M. He was then placed into an FHP marked patrol. The defendant was then transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility, a 20-minute observation period was conducted by me, where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). Mr. Helft was then asked to provide a breath sample to determine the alcohol content. Mr. Helft stated no. Florida Implied consent was read. Mr. Helft understood. Mr. Helft still refused to provide a breath sample.

Mr. Helft was then booked into the Palm Beach County Jail without further incident and charged with the following:

Violation of F.S.S 316.193.1a - DUI Influence of alcohol or drugs

Violation of F.S.S 316.089 - Fail to use designated lane

All events occurred within Palm Beach County, State of Florida.

The incident was recorded with my In-Car Camera (FHP1130) and will be made available upon request.

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Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
3/23/2024 12:00 AM	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

Booking Facility Location	Booking Number
3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406	

Booking Comments

Court

Court County	Court Location
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	05/06/2024 830A	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
DESUYO, AISON TPR 5157	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LWRCC\PALM BEACH\BROW LN TO SR804

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name	Office Rank	Officer ID No
DESUYO, AISON	TPR	5157

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature

Sworn and subscribed before me, the undersigned authority
This the _____ day of _____, _____
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

◯ No Bill / Petition ◯ Issue Warrant ◯ Prosecution Approved

Signature of Assistant State Attorney Date

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SCANNED
MAR 23 2024

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

PBSO CASE # 24-046113 PBSO ZONE 6-51

AGENCY CASE # FHP24ONO145586 CRASH CASE #

TIME OF STOP/CRASH 8:50 PM DATE 3/22/24 DAY Friday

SUBJECT'S NAME Michael Holft RACE W SEX M

HGT 6'02 **WGT** 250 **DOB** 7/30/1961

LOCATION NB I-95 SOF Woolbright Rd

ARRESTING OFFICER'S NAME & ID TPR. A. DeSuyo #515 AGENCY FHP

DIVISION:

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 9:31

Arrest Time 8:55

BREATH RESULTS:

1.
2. REFUSED
3.
4.

TESTING OFFICER'S ID 16877

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SCANNED
MAR 23 2024

SUBJECT: H-l-r, [illegible] 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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SCANNED
MAR 23 2024

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

SUBJECT: _____ CASE NUMBER: _____

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: _____

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SCANNED
MAR 23 2024

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, **DESUYO, AISON** (Name of Officer reading Implied Consent Warning), a duly certified Law Enforcement or Correctional Officer, am a member of **FLORIDA HIGHWAY PATROL** (Name of Law Enforcement Agency), and I do swear or affirm that on or about the 22nd day of March, 2024, at 8:55 ☑ P.M. ☐ A.M.

DRIVER **MICHAEL** (FIRST NAME) **HELFT** (MIDDLE OR MAIDEN NAME) (LAST NAME),

DL# **H413540612700**, state of **FL**, was placed under lawful arrest for the offense of **316.193(1) D.U.I. - ALCOHOL OR DRUGS (MISDEMEANOR)** by **DESUYO, AISON** (Name of Arresting Officer) and issued Citation # **A77GCAE**.

That on or about the 22nd day of March, 20 24, at 9:55 ☑ P.M. ☐ A.M. in Palm Beach County,

I requested that the driver submit to a ☐ **breath and/or** ☐ **urine** test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test (s) 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. Additionally, I informed the driver that if he or she holds a Commercial Driver's License (CDL), or was operating a commercial motor vehicle, refusal will result in the disqualification of the CDL for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

Aison DCruz

Signature of Law Enforcement Officer or Correctional Officer

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

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this ____ day of _____, 20 ____, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public _____

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.

HSMV-BAR1001 (REV. 09/2021)

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SCANNED
MAR 23 2024

TESTING FACILITY TASK REPORT

AGENCY: FHP

SUBJECT: Helft, Michael

CASE NUMBER: 24-046113

DATE: Mar 22, 2024

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 21:52

ENDING TIME: 21:56

BREATH TESTS RESULTS: 1) Refused TIME 21:55 A.M.☐ P.M.☒ 2) N/A TIME ——— A.M.☐ P.M.☐

3) N/A TIME ——— A.M.☐ P.M.☐ 4) N/A TIME ——— A.M.☐ P.M.☐

BREATH OPERATOR: R. Ragin #16877

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Calm, agitated, slow, unsteady on feet

CLOTHING: Black pants, gray LS jacket, black sneakers

MEDICAL CONDITIONS: Yes

MEDICATIONS: Yes

REFUSED

OTHER:

Eyes are red
odor of unknown alcoholic beverage on breath

COMMENTS:

Arrived at center A/O started 20 minute observation period at 21:31 hrs.

Subject refused to perform breath test.

A/O read I/C and subject stated he understood I/C.

Subject refused to take test.

A/O read rights.
Subject stated he understood rights.

A/O attempted Q&A.
Subject refused to answer Q&A.

REFUSED

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SCANNED
MAR 23 2024

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: 2024007791	**Date:** 3/23/2024
	Specialist Name/ID#: C. Daniels/ 30347

SCANNED
MAR 23 2024