0542582 23CT14348 NB 1780

☑ Marcy's Law CVI FL. Const. Art. 1 § 16(b)

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATIVE

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 2 6 0 0	PALM BEACH GARDENS POLICE DEPARTMENT	78 - 78-23004087

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

Weapon Seized / Type: 2 (1. Yes 2. No) | Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
RCA Boulevard/Campus Drive, PALM BEACH GARDENS, FL, 33410	PGA Boulevard/Campus Drive, PALM BEACH GARDENS, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
08/13/2023	00:48					KAUFF'S TOWING AND RECOVERY 4701 EAST AVENUE, WPB, FL 33407

DEFENDANT

Name (Last, First, Middle): Byrd, Reuben, Kary | Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	06/01/1962	600	275	Blue	Bln	Light	Large

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description) | Marital Status: Married | Religion: CATHOLIC | Indication of: Alcohol Influence Y ☑ N ☐ Unk. ☐; Drug Influence Y ☐ N ☐ Unk. ☑

Local Address (Street, Apt. Number) (City) (State) (Zip): 365 Kelsey Park Circle, Palm Beach Gardens, FL | Phone: (561) 562-6432 | Residence Type: 1. City 2. County 3. Florida 4. Out of State: 1

Permanent Address (Street, Apt. Number) (City) (State) (Zip): Same as | Phone: | Address Source: FLDL

Business Address (Name, Street) (City) (State) (Zip): | Phone: | Occupation: CEO

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
B-630-731-62-201-0 FL	[redacted]		Suffolk, VA	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 ☐ 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 provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) 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. Synthetics | U. Unknown Z. Other

CHARGE 0

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI - Normal Faculties Impaired	1	☐Y ☒N	316.193(1)(A)	

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

CHARGE 2

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI - Refusal to Submit to Chemical Test	1	☐Y ☒N	316.1939	

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

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): NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700

Court Date and Time: Month September Day 12 Year 2023 Time 10:00 AM X PM

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: 08/13/2023

FILED PBC - GUN CLUB
23 AUG 14 AM 7:52

ADMIN

HOLD for other Agency Name: | Signature of Arresting Officer #545 | Name Verification (Printed by Arrestee)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Name of Arresting Officer (Print): OFC. JUSTIN KAHN | I.D. #: 545 | (PRINT)

Intake Deputy | I.D. # | Pouch # | Transporting Officer: OFC. J. KAHN | ID #: 545 | Agency: PBGPD | Witness here if subject signed with an -X"

PAGE 1 OF 1

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D.U.I. PROBABLE CAUSE AFFIDAVIT

On the 13th day of August 2023 at 00:07 ☑ AM ☐ PM

Subject: Byrd, Reuben, Kary Case Number: 78-23004087

Agency: PALM BEACH GARDENS POLICE DEPARTMENT Arresting Officer: OFC. JUSTIN KAHN 545

PERSONAL CONTACT

DRIVING PATTERN: (Actual Physical Control; Physical Evidence or Statements Putting Defendant Behind Wheel of Vehicle)

Per complainant Sean C. Dei:
Metallic Gray Range Rover was observed coming head-on in the incorrect lanes of travel nearly striking the complainant who had to swerve to avoid collision. Complainant advised that he followed subject vehicle that swerved out of its lane and struck the median several times. Complainant called police and continued to follow the car.

Per Officer C. Witherspoon #520:
Was dispatched to a bolo for a reckless driver pursuant to the complaint made by Dei. Officer Witherspoon identified the subject vehicle at Campus Drive and PGA Boulevard. He followed the vehicle South on Campus drive where it swerved across the northbound and southbound painted double lane divider several times. Having observed enough and with the statement the complainant gave to dispatch, Officer Witherspoon initiated his marked patrol vehicles equipped lights and sirens to conduct a traffic stop at the intersection of RCA Boulevard and Campus drive. The vehicle after crossing the intersection went over the curb with its passenger side front and rear tires, came off the curb and continued south for 20-30 yards to a complete stop.

OBSERVATION OF DRIVER:

Per Officer Witherspoon:
Defendant had the odor of an unknown alcoholic beverage emanating from his breath. Defendant had a hard time finding his license, and when found had a hard time removing it from his wallet. The scene was turned over to me upon arrival and Officer Witherspoon conducted scene safety only.

I observed the defendant to have flushed face and bloodshot/watery eye. Defendant was hesitant to leave the vehicle upon my request, so I ordered him out of the vehicle the second time. Defendant had a hard time exiting the vehicle and stumbled nearly falling. Defendant could not maintain balance whilst standing and was swaying heavily.

DRIVER STATEMENTS:

Defendant advised he was driving home from Double Roads Tavern in Jupiter, Florida where he consumed three beers/cocktails around an hour and a half before the traffic stop. Defendant specified Sweet Water Lager. Defendant also advised he ate dinner this evening at 7:40pm. Defendant believed it was 11:30pm at approximately 12:25am.

ODORS: Strong odor of an unknown alcoholic beverage from his breath and person

GENERAL OBSERVATIONS

SPEECH: Slow, slurred. thick tongue

ATTITUDE: Compliant to argumentative

CLOTHING:

MEDICAL/OTHER: blood pressure and cholesterol

STATE OF FLORIDA
COUNTY OF PALM BEACH

J Kahn #545
SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 13th day of August 2023 by OFC. JUSTIN KAHN 545 who is ☑ personally known to me or ☐ produced .

Notary Public, Clerk of Court, Officer (FSS 117.10)

JOSHUA BELL
Notary Public - State of Florida
Commission # HH 418882
My Comm. Expires Jul 9, 2027
Bonded through National Notary Assn.

STAMP

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D.U.I. PROBABLE CAUSE AFFIDAVIT Cont.

Subject: **Byrd, Reuben, Kary** Case Number: **78-23004087**

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LEFT EYE	*RIGHT EYE*
☑ Lack of Smooth Pursuit	☑ Lack of Smooth Pursuit
☑ Distinct & Sust. Nystag. at Max. Deviation	☑ Distinct & Sust. Nystag. at Max. Deviation
☑ Onset of Nystagmus Prior to 45 Degrees	☑ Onset of Nystagmus Prior to 45 Degrees

Other Observations:

No resting nystagmus, equal pupil size, equal tracking. Presented LOC, and VGN. Swayed heavily in a front to back motion. Failed to follow and when requested to follow it became argumentative. Moved head against instructions.

Walk and Turn

-Left Starting Position during instruction phase.
-Nearly fell 6 times during the instruction phase.
-For the defendants safety this exercise was discontinued.

One Leg Stand

-Swayed.
-Used arms for balance.
-Hopped/Shuffled.
-Puts foot down.
-Switched feet during task.
-Nearly 2 times during the balance and counting phase of the exercise.
-For the defendants safety this exercise was discontinued early.
Refer to Probable Cause Affidavit for further details.

Modified Rhomberg

-Swayed.
-Did not keep eyes closed.
-Lowered head.
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Finger to Nose

-Did not keep eyes closed.
-Lowered head.
-Wrong finger.
L: Pad / Tip
R: Pad / Tip
L: Pad / Tip
R: Pad / Tip
R: Pad / Tip
L: Pad / Tip

BREATH RESULTS: 1) Refused @ 01:48 **2)** _____ @ _____ **3)** _____ @ _____ **4)** _____ @ _____

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Agency: *PALM BEACH GARDENS POLICE DEPARTMENT* Arresting Officer: OFC. JUSTIN KAHN 545

PERSONAL CONTACT

DRIVING PATTERN: (Actual Physical Control; Physical Evidence or Statements Putting Defendant Behind Wheel of Vehicle)

Per complainant Sean C. Dei:
Metallic Gray Range Rover was observed coming head-on in the incorrect lanes of travel nearly striking the complainant who had to swerve to avoid collision. Complainant advised that he followed subject vehicle that swerved out of its lane and struck the median several times. Complainant called police and continued to follow the car.

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OBSERVATION OF DRIVER:

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Defendant had the odor of an unknown alcoholic beverage emanating from his breath. Defendant had a hard time finding his license, and when found had a hard time removing it from his wallet. The scene was turned over to me upon arrival and Officer Witherspoon conducted scene safety only.

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DRIVER STATEMENTS:

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SPEECH: Slow, slurred. thick tongue

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HORIZONTAL GAZE NYSTAGMUS:

LEFT EYE	*RIGHT EYE*
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LEFT EYE	*RIGHT EYE*
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BREATH RESULTS: 1) Refused @ 01:48 **2)** _____ @ _____ **3)** _____ @ _____ **4)** _____ @ _____

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HORIZONTAL GAZE NYSTAGMUS:

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Walk and Turn

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One Leg Stand

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L: Pad / Tip
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BREATH RESULTS: 1) Refused @ 01:48 **2)** _____ @ _____ **3)** _____ @ _____ **4)** _____ @ _____

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78-23004087

DUI WITNESS LIST

Arresting Officer: OFC. JUSTIN KAHN 545 Email: jkahn@pbgfl.com
Agency Address: 10500 N Military Trail, Palm Beach Gardens, FL 33410 Phone: (561) 799-4445
Can Testify To: Facts of Case

Backup Officers: C. Witherspoon 520, S. Keel 508, K. Slaughter 500
Agency Address: 10500 N Military Trail, Palm Beach Gardens, FL 33410 Phone: (561) 799-4445
Can Testify To: Scene Safety and C. Witherspoon for supplemental report

Crash Investigator: _____ Email: _____
Agency Address: _____ Phone: _____

Breathalyzer Technician: J. Bell ID: 8656 Agency: PBSO

DRE: _____ ID# _____ Agency Case #: _____
Agency Address: _____ Phone: _____ Email: _____

Name: Sean C. Dei Involvement: Reporting Party
Address: 161 Hampton Circle, Jupiter, Florida Phone: (561) 420-9373
Can Testify To: Mobile Eyes ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

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PALM BEACH GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 23-099058 PBSO Zone: 3-13

Agency Case #: 78-23004087 Crash Case #: _____

Incident Information:

Time of Stop/Crash: 00:07 Date of Incident: 08/13/2023 Day: Sunday

Location of Incident: PGA Boulevard/Campus Drive, PALM BEACH GARDENS, FL, 33410

Arrest Information:

Time of Arrest: 00:48 Date of Arrest: 08/13/2023 Day: Sunday

Location of Arrest: RCA Boulevard/Campus Drive, PALM BEACH GARDENS, FL, 33410

Subject's Name: (L) Byrd, (F) Reuben, (M) Kary

DOB: 06/01/1962 Race: W Sex: M Height: 600 Weight: 275 Hair Bln Eye Blue

Address: 365 Kelsey Park Circle, Palm Beach Gardens, FL Phone: (561) 562-6432

Arresting Officer's Name: OFC. JUSTIN KAHN ID#: 545

Agency: PBGPD Division: ROAD PATROL ☑ Marcy's Law CVI FL. Const. Art. 1 § 16(b)

Breath Results

1) _____ at _____ hrs.
2) REFUSED at _____ hrs.
3) _____ at _____ hrs.
4) _____ at _____ hrs.

---BAT Use---

BAT Notified:	YES
Arrival Time at BAT:	01:20
Subject Arrest Time:	00:48

Breath Test Operator: J. Bell 8656
PBSO

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TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: BYRD JR, REUBEN KARY

CASE NUMBER: 23-099058

DATE: Aug 13, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0145

ENDING TIME: 0158

BREATH TESTS RESULTS: 1) R TIME 0148 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: SLOW, SLURRED

ATTITUDE: COOPERATIVE

CLOTHING: WHITE LONG SLEEVE BUTTON UP SHIRT, TAN SHORTS, BROWN FLIP FLOPS

MEDICAL CONDITIONS: HEART, BLOOD PRESSURE, TINNITUS

MEDICATIONS: HEART, BLOOD PRESSURE

OTHER:

EYES: BLOODSHOT, GLASSY

COMMENTS:

A/O ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 0120 HOURS

SUBJECT STATED HE WOULD NOT TAKE BREATH TEST

A/O READ I.C
SUBJECT STATED HE UNDERSTOOD I.C
SUBJECT AGAIN STATED HE WOULD NOT TAKE BREATH TEST

REFUSAL TIME 0148 HOURS

A/O READ RIGHTS
SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

A/O CONDUCTED Q AND A
SUBJECT ANSWERED Q AND A

REFUSED

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78-23004087

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, OFC. JUSTIN KAHN, a duly certified Law Enforcement or Correctional Officer, am a member of PALM BEACH GARDENS POLICE DEPARTMENT, and I do swear or affirm that on or about the 13th day of August, 2023, at 00:48 ☐P.M. ☑A.M.

(Name of Officer reading Implied Consent Warning)

(Name of Law Enforcement Agency)

DRIVER Reuben Kary Byrd,
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL # B-630-731-62-201-0, state of FL, was placed under lawful arrest for the offense of DUI - Normal Faculties Impaired by OFC. JUSTIN KAHN and issued citation # AHU7P7E.

(Name of Arresting Officer)

That on or about the 13th day of August, 2023, at 03:02 ☐P.M. ☑A.M.

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.

J Kahn #545
Signature of Law Enforcement Officer or Correctional Officer

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

JOSHUA BELL
Notary Public - State of Florida
Commission # HH 418882
My Comm. Expires Jul 9, 2027
Bonded through National Notary Assn.

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 13th day of August, 2023, by OFC. JUSTIN KAHN, who is personally known to me or who has produced Known as identification.

Notary Public _____

The foregoing instrument was sworn and subscribed before me:

_____
Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.

ID A CERTIFIED COPY

EFFECTIVE OCTOBER 1, 2021

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	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023021045	**Date:** 8/14/2023
	Specialist Name/ID: T.Howard/7185