50-2023-mm-005403AMB

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

☐ Check if Supplement is Attached

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 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	0 6 - 23-085577 ( )

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:

Location of Arrest (including Name of Business)	Location of Offense (Business Name, Address)
FOREST HILL BV (W) OF LYONS BV WELLINGTON FL	FOREST HILL BV (W) OF LYONS RD, WELLINGTON FL 33414

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
07/04/2023	2144					PB FINEST

DEFENDANT

Name (Last, First, Middle): Cohen, Robert, T

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	3/24/1953	6'02	200	HAZ	GRY	MED	MED

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description): NONE

Marital Status: Married

Religion:

Indication of: Alcohol Influence ☐ Y ☐ N ☐ Unk; Drug Influence ☒

Local Address (Street, Apt. Number) (City) (State) (Zip): 2051 Guadeloupe Dr, Wellington, FL 33414

Mobile Phone: (781) 856 2160

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

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

Phone: ( )

Address Source: FL DL

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

Phone: ( )

Occupation:

D/L Number, State: C500778531040, FL

Soc. Sec. Number: [redacted]

INS Number:

Place of Birth (City, State): BOSTON MASS

Citizenship: 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: ( )

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 1

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

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		23-085577		

CHARGE 2

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
RESISTING ARREST WITHOUT VIOLENCE	1	☐ Y ☒ N	843.02	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N/A	N/A	23-085577		

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): 3228 GUN CLUB RD WEST PALM BEACH FL 33406

FILED PBC - GUN CLUB '23 JUL 5 AM 7:58

Court Date and Time: Month JULY Day 13 Year 2023 Time 0800 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: 07/04/2023

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:

Signature of Arresting Officer: X

Name of Arresting Officer (Print): INV. E.K. WHITE I.D. #: 7209

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X"

Intake Deputy: I.D. #: 18342 Pouch #:

Transporting Officer: I.D. #: INV. E.K. WHITE 7209 Agency: PBSO

PAGE 1 OF 1

PBSO #0148 REV. 11/22 DISTRIBUTION: COURT COPY STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

NOT A CERTIFIED COPY

0504589

3794

PROBABLE CAUSE AFFIDAVIT

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

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 23085577

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Cohen Robert T		W	M	03/24/1953

CHARGES

D.U.I.	316.193(1)

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 he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation 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 commited the below acts, resulting from my (described) investigation

On the 4 day of July 20 23 at 2059 ☐ A.M. ☐ P.M. (Specifically include facts constituting cause for arrest.)

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

On Tuesday, July 4, 2023 at approximately 2059hrs I was conducting patrol in the area of Forest Hill Blvd and Olympia Blvd in Wellington, FL.

I was stopped in the left turn lane of eastbound Forest Hill at the Olympia Blvd intersection with a red turn arrow. I watched the signal for straight traffic change from green to red and the observed a white Mercedes sedan bearing FL tag IRWA54 continue eastbound through the intersection failing to stop for the red light. I waited until the intersection became clear and then activated my lights to proceed through the still red light and catch up to the Mercedes. With my overhead lights activated I caught up to sedan a short after a short distance. I noticed the sedan veer within its lane of travel slightly and then it pull to the right shoulder and came to a stop. As this was happening dispatch advised that there was a report of a suspected drunk driver in a white Mercedes traveling east on Forest Hill Blvd Approaching Olympia Blvd. I exited my vehicle and approached the sedan on the passenger side. A heavy odor of cigarette smoke came from the passenger compartment. I observed a 4 pack of miniature wine on the front passenger seat. One bottle was full and had condensation all over it. I noticed an empty bottle on the seat and another empty bottle on the passenger floorboard. I introduced myself to the driver who was the sole occupant of the vehicle W/M Robert Cohen identified by his FL DL. I explained that I had pulled him over for running a red light and this seemed to startle him. He stated that he had a hearing problem but I observed that his eyes squinted. I then asked him how much of wine he had had to drink and he answered none. Based on my observations of his driving, the open containers of alcohol within his reach, and the call to dispatch regarding this vehicle I suspected the driver may be under the influence of alcohol. I requested a DUI investigator and DUI White #7209 responded an initiated a DUI investigation. Cohen refused to exit his vehicle and cooperate with Inv. White. I attempted to reason with Cohen but he remained uncooperative. I then assisted in removing Cohen from his vehicle and securing him in handcuffs. My body worn camera was activated for the duration of the encounter.

This concluded my involvement with this case.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH
D/S Miller #24991 (ID #) 24991
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4 day of July 20 23 by D/S Miller #24991 24991

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

[redacted]
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	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	23-085577

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
Cohen, Robert, T		W	M	3/24/1953

CHARGES

Charge Description		Charge Description	
DUI	316.193(1)A	RESISTING ARREST WITHOUT VIOLENCE	843.02
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
	( )	

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 4 day of JULY 20 ___ at 2059 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

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

On Tuesday, July 4, 2023 at approximately 2110 hours, I responded to Forest Hill Boulevard and Lyons Road, Wellington (Palm Beach County) Florida, to assist Deputy Marshall T. Miller with a traffic stop that involved a possible impaired driver. Upon my arrival I noticed the deputy's vehicle stopped on Forest Hill Bv in the eastbound outside lane. A white vehicle, bearing current Florida license plate "IRW A54", was stopped on the west paved shoulder of the roadway, next to the sidewalk. A white male was sitting in the driver seat of the vehicle. He was the sole occupant. D/S Miller told me the following regarding his traffic stop and suspicion of the driver possibly being impaired: On Tuesday, July 4, 2023 at approximately 2059hrs I was conducting patrol in the area of Forest Hill Blvd and Olympia Blvd in Wellington, FL.

I was stopped in the left turn lane of eastbound Forest Hill at the Olympia Blvd intersection with a red turn arrow. I watched the signal for straight traffic change from green to red and the observed a white Mercedes sedan bearing FL tag IRWA54 continue eastbound through the intersection failing to stop for the red light. I waited until the intersection became clear and then activated my lights to proceed through the still red light and catch up to the Mercedes. With my overhead lights activated I caught up to sedan a short after a short distance. I noticed the sedan veer within its lane of travel slightly and then it pull to the right shoulder and came to a stop. As this was happening dispatch advised that there was a report of a suspected drunk driver in a white Mercedes traveling east on Forest Hill Blvd Approaching Olympia Blvd. I exited my vehicle and approached the sedan on the passenger side. A heavy odor of cigarette smoke came from the passenger compartment. I observed a 4 pack of miniature wine on the front passenger seat. One bottle was full and had condensation all over it. I noticed an empty bottle on the seat and another empty bottle on the passenger floorboard. I introduced myself to the driver who was the sole occupant of the vehicle W/M Robert Cohen identified by his FL DL. I explained that I had pulled him over for running a red light and this seemed to startle him. He stated that he had a hearing problem but I observed that his eyes squinted. I then asked him how much of wine he had had to drink and he answered none. Based on my observations of his driving, the open containers of alcohol within his reach, and the call to dispatch regarding this vehicle I suspected the driver may be under the influence of alcohol. I requested a DUI investigator and DUI White #7209 responded an initiated a DUI investigation.

FOR CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4 day of JULY 20 23 by INV. E.K. WHITE

(Print name of Arresting/Investigative Officer), who is personally known to me or has produced identification and who did take an oath. Identification produced: KNOWN LEO

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

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

PAGE 1 OF 3

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY [illegible] (N.A.'s ONLY)

PROBABLE CAUSE AFFIDAVIT

OBTS Number | 1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias | 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	23-085577

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Cohen, Robert, T		W	M	3/24/1953

CHARGES

Charge Description		Charge Description	
DUI	316.193(1)A	RESISTING ARREST WITHOUT VIOLENCE	843.02
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.
☐ 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 4 day of JULY 20 ___ at 2059 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

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

Cohen refused to exit his vehicle and cooperate with Inv. White. I attempted to reason with Cohen but he remained uncooperative. I then assisted in removing Cohen from his vehicle and securing him in handcuffs. My body worn camera was activated for the duration of the encounter.

This concluded my involvement with this case:A "Mobile Eyes" complaint was also being levied against a white vehicle fitting the description of the defendant's. The complainant came forward and wrote a sworn witness statement regarding the vehicle's erratic driving pattern.

I made contact with the driver who was currently seated in the driver seat of the previously mentioned vehicle. He was later identified as Robert T. Cohen by his Florida driver license. As I interacted with the driver I noticed his eyes were red, watery and glossy. His lips were chapped, mouth dry and he slurred his speech while speaking. I could smell a strong odor of an unknown alcoholic beverage emanating from the inside of the vehicle. There were three (3) empty bottles of "Sutter Home" alcoholic drinks. A full drink was inside the cup holder in the front center console. He was wearing black shorts, a gray shirt and brown sandals . I told him he was stopped for running through a red light. Subsequently I explained I had a suspicion he drank an unspecified amount of alcoholic beverages. He told me he did not drink anything. I asked if he has any problems with his body. He told me his hearing is impaired and he is due for surgery in the near future. He explained he has issues with his hips and other parts of his body. Based on his physical condition I planned to administer Seated Battery Tasks instead of the SFSTs. I began to ask if he would perform tasks, in dong so he interrupted and said he was unable to walk the line. I asked for indulgence and explained he would not be walking but sitting to perform the tasks. He declined to perform the tasks. I explained Taylor Warnings which informed him the tasks are voluntary and he do not have to perform them. In the absence of his performance,however, would force me to conclude my investigation and base my decision on the previously mentioned indicators he is exhibiting toward his impairment. I told him his "refusal" will be used against them in a court of law. I asked if he understood the warning. He simply stared at me and turned his head back straight. I continued explaining the warning and asked if he understood. He remained speechless. He eventually would say just write him the ticket. The defendant became increasingly agitated and upset. I asked him to exit the vehicle after giving him ample opportunity to comply. His agitation turned into hostility and he told us he was not getting out of his car.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4 day of JULY 20 23 by INV. E.K. WHITE

(Print name of Arresting/Investigative Officer), who is personally known to me and [illegible] Type of Identification produced KNOWN LEO

S. 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.

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY AGENCY DEFENDANT (N.A.T. ONLY)

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: 23-085577

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
Cohen, Robert, T		W	M	3/24/1953

CHARGES

Charge Description		Charge Description	
DUI	316.193(1)A	RESISTING ARREST WITHOUT VIOLENCE	843.02
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	

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 4 day of JULY 20 ___ at 2059 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

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

At this time I told him he was being charged with Resisting without violence and if he would not get out of his vehicle we would extract him from it. He was verbally aggressive as he refused to exit his vehicle. Ultimately we managed to remove him from his vehicle and secure him in handcuffs. We later placed him in two sets of handcuffs for comfort and proper fit. I could now smell a strong odor of an unknown alcoholic beverage coming from his breath. Based on D/S Miller's observation of the defendant's vehicle running the red light, to include the "Mobile Eyes" complaint levied by an off duty officer, and my observation of personal indicators of impairment exhibited by the defendant, probable cause was established for DUI and Resisting. PB Finest Towing responded on a rotation request and impounded the defendant's vehicle to their lot. Meanwhile I began transport to the main jail's breath analysis facility for further processing. Upon our arrival I escorted the defendant into the facility and began a 20 minute observation period. During this time the defendant did not ingest anything into his body orally or otherwise. Neither did he regurgitate. Afterward I escorted him into the testing room and asked him to provide breath samples for the purpose of detecting his alcohol content. He refused and was read implied consent. The defendant demanded for a blood test. I told him I am requiring breath samples. I explained he could pay for a blood test afterward. He finally acknowledged the consent and agreed to give breath samples. I turned him over to the breath technician. The defendant provided two (2) adequate breath samples that rendered consecutive results of .247. No Q&A was done. The defendant was cited for the red light violation and booked on the charges of DUI and Resisting Arrest with out violence.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4 day of JULY 20 23 by INV. E.K. WHITE

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

S. O'Neal
Notary Public, Clerk of Court, Officer (F.S.8). 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.

PAGE 3 OF 3

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 4 DAY OF JULY 20 ____, AT 2059 AM ✓PM

SUBJECT: Cohen, Robert, T CASE NUMBER: 23-085577

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. E.K. WHITE

PERSONAL CONTACT

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

SEE PC AFFIDAVIT

OBSERVATION OF DRIVER:

SEE PC AFFIDAVIT

DRIVER'S STATEMENTS:

NONE

ODORS:

STRONG ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE COMING FROM THEIR BREATH.

GENERAL OBSERVATIONS

SPEECH: **SLURRED**

ATTITUDE: **HOSTILE,UNCOOPERATIVE,LETHARGY,COMBATIVE,RESISTING**

CLOTHING: **LOOSE**

MEDICAL/OTHER: **HEARING,KNEE ISSUES,HIP**

NOT A CERTIFIED COPY

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4 day of JULY 20 23 by INV. E.K. WHITE

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

S. 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.

SUBJECT: Cohen, Robert, T CASE NUMBER 23-085577

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- ☐ 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 TASKS

WALK & TURN:
N/A

ONE LEG STAND:
N/A

FINGER TO NOSE:
N/A

ROMBERG ALPHABET:
N/A

NOT A CERTIFIED COPY

BREATH TEST RESULTS: 1) .242 | 2) .242 | 3) | 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4 day of JULY 2023 by INV. E.K. WHITE

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

S. 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.

WITNESS LIST

CASE NUMBER: 23-085577

ARRESTING OFFICER: INV. E.K. WHITE

ADDRESS: CID/DUI

PHONE NUMBERS (HOME): (863) 227-4287 (WORK)

CAN TESTIFY TO: FACTS

NAME: D/S MARSHALL MILLER

ADDRESS: DIST 8

PHONE NUMBERS (HOME) (WORK) 561 688 3000

CAN TESTIFY TO: STOPPING THE VEHICLE FOR A TRAFFIC VIOLATION

NAME: D/S DAVIS MALVINNI

ADDRESS DIST 8

PHONE NUMBERS (HOME) (WORK) 561 688 3000

CAN TESTIFY TO: BACK UP

NAME: OFC. GEORGE HATCHIGAN

ADDRESS NORTH PALM POLICE DEPT.

PHONE NUMBERS (HOME) (WORK) 561 799 4445

CAN TESTIFY TO: MOBILE EYES COMPLAINANT

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:

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:

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: PBSO INV. WHITE #7209

SUBJECT: COHEN, ROBERT T.

CASE NUMBER: 23-085577

DATE: 07-04-23

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 23:06 HRS

ENDING TIME: 23:21 HRS

BREATH TESTS RESULTS: 1) .242 TIME 23:15 A.M.☐ P.M.☒ 2) .242 TIME 23:18 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: MUMBLED, SLURRED

ATTITUDE: AGITATED, SARCASTIC, UNCOOPERATIVE, MOODSWINGS, PROFANE,ARGUMENTATIVE

CLOTHING: SHIRT- GRAY/WHITE PRINT SHORTS- BLACK

MEDICAL CONDITIONS: SEVERAL SURGERIES, HARD OF HEARING ALLERGIC TO MORPHINE

MEDICATIONS: SEVERAL MEDS

OTHER:

EYES: VERY RED, GLASSY
STRONG ODOR OF UNKNOWN ALCOHOLIC BEVERAGE
DEXTERITY: STUMBLING AND UNSTEADY

COMMENTS:

20 MIN. OBSERVATION CONDUCTED BY A/O WHITE #7209

D WAS UNCOOPERATIVE ON CAMERA, D WOULD NOT ANSWER THE BASIC FORMAT QUESTIONS SUCH AS HIS NAME.
A/O REQUESTED THE BREATH TEST.
D REFUSED THE REQUEST AT FIRST KEPT DEMANDING A BLOOD TEST.
A/O READ THE IMPLIED CONSENT ON CAMERA.
D WAS ARGUEMENTATIVE.
TAKEN AS A REFUSAL BECAUSE D WOULD NOT ANSWER STRAIGHT FORWARD. D DECIDED TO SUBMIT TO THE REQUEST.
D COMPLETED THE TEST CORRECTLY.
EXPLAINED THE RESULTS TO THE D.
NO Q&A CONDUCTED.

NOT A CERTIFIED COPY

SUBJECT: Robert T. Cichon CASE NUMBER: 23-085577

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 Trooper First Class of the FHP

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) Refused on Video

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) N/A

NOT A CERTIFIED COPY

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

SUBJECT: Robert T. Cichon CASE NUMBER: 25-085577

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: TPR. F. L. LOHTF

NOT A CERTIFIED COPY

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



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

PBSO CASE # **23-085577** PBSO ZONE **8-31**

AGENCY CASE # _____ CRASH CASE # _____

TIME OF STOP/CRASH **2059** DATE **07/04/2023** DAY **Tuesday**

SUBJECT'S NAME **Cohen, Robert, T** RACE **W** SEX **M**

HGT **6'02** WGT **200** DOB **3/24/1953**

LOCATION **FOREST HILL BV (W) OF LYONS BV WELLINGTON FL**

ARRESTING OFFICER'S NAME & ID **INV. E.K. WHITE (7209)** AGENCY **Palm Beach County Sheriff's Office**

DIVISION: **CID/DUI**

NOTIFIED BY COMMO **YES**

ARRIVAL AT FACILITY 22:43

ARREST TIME **2144**

BREATH RESULTS:

1). 242
2). 242
3)
4)

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # /

NOT A CERTIFIED COPY

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006239 Software: 8100.27
Date of Test: 07/04/2023

Date of Last Agency Inspection: 06/23/2023
Observation Period Began: 22:43
Subject's Name: ROBERT T COHEN DOB: 03/24/1953 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	23:13
Air Blank	0.000	23:14
Control Test	0.081	23:14
Air Blank	0.000	23:15
Subject Sample #1	0.242	23:15
Air Blank	0.000	23:16
Air Blank	0.000	23:18
Subject Sample #2	0.242	23:18
Air Blank	0.000	23:19
Control Test	0.080	23:19
Air Blank	0.000	23:20
Diagnostics Check	OK	23:20

Cylinder Lot: 29122080A1
Exp: 12/05/2024

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I SHARI L O'NEAL, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: S. O'Neal Date: 07-04-23
Signature

Sworn to (or affirmed) before me this 04 day of July, 2023

Signature of Notary Public-State of Florida

Inv. White #7209
Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

NOT A CERTIFIED COPY

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.	3
	☐	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 contained in a uniform traffic citation	15-16
	☐		Other:	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2023017411	**Date:** 7/5/2023
	Specialist Name/ID: Chantel Daniels/30347