0418487 17CT 18481 1328

# ARREST / NOTICE TO APPEAR

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

1 JUVENILE

## ADMINISTRATION

OBTS Number

Agency ORI Number: 0500800
Agency Name: West Palm Beach Police Department
Agency Report Number (N.T.A.'s only): 9 | 4 | 2017-0019241

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): 3915 S FLAGLER DR WEST PALM BEACH FL
Location of Offense (Business Name, Address): 3915 S FLAGLER DR, WEST PALM BEACH, FL 33405

| Date of Arrest | Time of Arrest | Booking Date | Booking Time | Jail Date | Jail Time | Location of Vehicle |
|---|---|---|---|---|---|---|
| 10/12/2017 | 2150 | 2256 | | | | |

## DEFENDANT

Name (Last, First, Middle): SHEALY, STAFFORD NICHOLAS
Alias (Name, DOB, Soc. Sec. #, Etc.): Alias:

| 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 | 09/19/1972 | 5'11 | 190 | BLUE | BROWN | LIGHT | Large |

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):
Marital Status: D
Religion:
Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. / Drug Influence ☐ Yes ☒ No ☐ Unk.

| Local Address (Street, Apt. Number) | (City) | (State) | (Zip) | Phone | Residence Type (1. City 2. County 3. Florida 4. Out of State) |
|---|---|---|---|---|---|
| 3907 S FLAGLER DR 102, WEST PALM BEACH, FL 33405 | | | | (561) 502-3120 | 1 |

| Permanent Address (Street, Apt. Number) | (City) | (State) | (Zip) | Phone | Address Source |
|---|---|---|---|---|---|
| 3907 S FLAGLER DR 102, WEST PALM BEACH, FL 33405 | | | | (561) 502-3120 | FLDL |

| Business Address (Name, Street) | (City) | (State) | (Zip) | Phone | Occupation |
|---|---|---|---|---|---|
| LAWYER, | | | | | Attorney |

| D/L Number, State | Soc. Sec. Number | INS Number | Place of Birth (City, State) | Citizenship |
|---|---|---|---|---|
| S400794723390 / FL | [redacted] | | BIRMINGHAM, AL, | US |

## CO-DEF

| Co-Defendant Name (Last, First, Middle) | Race | Sex | Date of Birth | |
|---|---|---|---|---|
| | | | | ☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile ☐ 2. At Large ☐ 4. Misdemeanor |
| Co-Defendant Name (Last, First, Middle) | Race | Sex | Date of Birth | |
| | | | | ☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile ☐ 2. At Large ☐ 4. Misdemeanor |

## JUVENILE

☐ Parent ☐ Other: ☐ Legal Custodian
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 Department and Released 2. TOT JAC 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 355-2526) informed of any change of address.
☐ Yes, by: ☐ No:

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. Disperses/ 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 | Statute Violation Number | Violation of ORD # |
|---|---|---|
| DUI-DAMAGE TO PERSON/PROPERTY | 316.193(3)(C)(1) | |

| Drug Activity | Drug Type | Amount / Unit | Offense # | Counts | Domestic Violence | Warrant / Capias Number | Bond |
|---|---|---|---|---|---|---|---|
| | N | / | 2017-0019241 | 1 | ☐ Y ☒ N | | |

## CHARGE 2

| Charge Description | Statute Violation Number | Violation of ORD # |
|---|---|---|
| REFUSAL TO SUBMIT TO BREATH TEST | 316.1939(1)([redacted]) | |

| Drug Activity | Drug Type | Amount / Unit | Offense # | Counts | Domestic Violence | Warrant / Capias Number | Bond |
|---|---|---|---|---|---|---|---|
| | N | / | 2017-0019241 | 1 | ☐ Y ☒ N | | |

## CHARGE

| Charge Description | Statute Violation Number | Violation of ORD # |
|---|---|---|
| | | |

| Drug Activity | Drug Type | Amount / Unit | Offense # | Counts | Domestic Violence | Warrant / Capias Number | Bond |
|---|---|---|---|---|---|---|---|
| | | / | | | ☐ Y ☐ N | | |

OCT 12 AM 2:30

## INTAKE

Health / Apparent Physical Condition of Defendant:
Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries
Explain:

Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

| PROPERTY - Received By | Released By | Released To |
|---|---|---|
| | | |

| Transported By | Date Transported | Time Transported | Other |
|---|---|---|---|
| | | | |

## NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): Criminal Justice — CRIMINAL JUSTICE COMPLEX
Court Date and Time: 11/16/2017 08:30:00 — 3228 GUN CLUB ROAD

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 COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

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

OCT 12 AM 5:20

No Photo Available

## ADMIN

HOLD for Other Agency
☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other
Intake Deputy I.D. # 8101
Pouch #
Signature of Arresting Officer
Name of Arresting Officer (Print): DONDE, JAY I.D. # 01530
Transporting Officer I.D. # Agency 520 WPBPD
Name Verification (Printed by Arrestee) (PRINT)
Witness here if subject signed with an "X".

PAGE 1 OF 1

☐ COURT ☐ STATE ATTORNEY ☐ AGENCY ☐ CENTRAL RECORDS ☐ JAIL ☐ CRIME ANALYSIS ☐ P. I. O. ☐ DEFENDANT

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OCT 12 2017

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# DUI PROBABLE CAUSE AFFIDAVIT

On the 11 Day of October at 2155 A.M. P.M.

Subject: Stafford Nicholas Shealy Case Number: 17 19241

Agency: West Palm Beach Police Department Arresting Officer: Donde

## Personal Contact

**Driving Pattern** Actual physical control (physical evidence putting the driver behind the wheel)

Defendant was driving his 2004 Lexus 4 dr Fl TAG: M464EB south on South Flagler Dr in the City of West Palm Beach. In the 3900 block just north of Southern Blvd in front of 3915 S Flagler he stopped to back up in the roadway because he missed the entrance to his condo complex. KRISTEN,PLEZ,WEBER driving her 2011 Honda SUV Fl TAG: RLC363 was taveling behind the defendant. She stopped and as unable to move as the defendant bac u an impacted the fronto of her car with the rearof his.

They both pulled in the parking lot of 3915 S Flagler. The defendant exited gave KRISTEN,PLEZ,WEBER his wallet containing all his information. The defendant walked away towards the rear of 3907 S Flagler Dr (next door). With in moments of my arrival the defendant returned. His drivers license shows he live at this location in apartment 102 which was found to be in the rear the direction he walked to.

KRISTEN,PLEZ,WEBER id this male as the same male wearing the same clothing as the driver and the person two gave her his wallet

**Observation of Driver**

Very uneasy on his feet glassy eyes (blue)

**Drivers Statements:**

Its my fault I backed inot her I did not see her. During reading his rights Def. mentioned he di dnot understand what I was saying I asked he age type of work and education ( structural engineer) and Civil Lawyer

**Odors:**

distinct odor of unknown alcoholic beverage coming from his breath as he spoke

## General Observations

**Speech:** slow slurred and times mumbled

**Attitude:** cooperative

**Clothing:** tan shorts gray shirt flip flops

**Medical Problems/Medications:** bi polar left eye does not work aspergers / no medication at this time. nothing prescribed that he is not taking

**Other:** Left Eye stroke 1 1/2 year ago

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# DUI PROBABLE CAUSE AFFIDAVIT

**Subject:** Stafford Nicholas Shealy **Case Number:** 17 19241

## Roadside Tasks

### Horizontal Gaze Nystagmus

- [x] Left Eye Does Not Follow Smoothly
- [x] Left Eye Jerks at 45 Degree Angle or Less
- [x] Distinct Jerking Left Eye at Maximum Deviation
- [x] Right Eye Does Not Follow Smoothly
- [x] Right Eye Jerks at 45 Degree Angle or Less
- [x] Distinct Jerking Right Eye at Maximum Deviation

Blue eyes Stoke left eye does not work. Did move though noted tracking was a slight issue with left eye. moved his head several times while following my pen

### Walk and Turn Task

– I instructed the driver to stand with his left on the line with his right foot directly in front of the left touching heal to toe with his hands/arms down by his sides. The line solid white line in the parking lot. The driver was told to remain in this position until told to begin. I attempted to explained and demonstrated the exercise. 1st attempt was unable to stand on line as instructed. 2nd attempt unable to stand in instruction phase lost balance and took a shoulder width stance. After I explained directions I asked if he understood the defendant just walked the line very uneasy on his NO heal to toe contact steps. Defendant returned to the top of the line I asked if he understood the instructions and he said he did not I asked what he did not understand and he could not tell. (though he did just attempt to perform the exercise) re explained instructions during explanation the defendant walked the line again in a fast walk..3rd explanation of instruction defendant wanted me to perform the task I told him I was to explain the instructions and demonstrate the task ONLY. TASK was not continued.
I mentioned his Flip Flops as if he wanted to removed them prior to the task.

### One Leg Stand

– I had the driver stand with his feet together and hands down at his sides. I explained and demonstrated the exercise. During the attempt the defendant would not stand in the instruction phase. Did not understand why these exercises were being asked I explained the reason. The Taylor Warning was mentioned during this time because the defendant was not willing at this time to perform the task. Instruction were explained again. He attempted the exercise before being told and had to be told to not start or practice. I asked if he understand the instructions and said he did not understand I asked what part he did not understand because though he was not following instructions he did lift his leg up in an attempt to follow what I explained. He mentioned he was scared though I attempted to calm his fear of being in scared. Though he could not tell me what he was scared of. Task NOT continued .

### Finger To Nose

I had the driver stand with his feet together, arms/hands down at his sides and index fingers pointed out. Defendant extended his middle fingers This was explained and corrected. though he was told not to perform or practice he attempted the left an right movement during instructions . The defendant asked which finger when i asked if he understood the instructions. I asked if he could listen? He said he could and I re explained the instructions. I additionally told the defendant to have his head tilted back and his eyes closed. I mentioned I did not do this during the instruction for officer safety and if he understood. The defendant said he did not under stand because there was not officer safety issue. I told him I was not going to close my eyes while demonstrating the task. Defendant still mentioned he did not understand tilt your head back and close your eyes. I was able to ask the defendant to obtain the proper stance and called the 1st left. The defendant then said "right" lifted his right arm to his nose. I re explained the movement had to be on my commands and asked if he wanted to attempt again he did. 1st right touched under nose had eyes open. Task stopped and defendant placed under arrest for suspicion of DUI.

### Romberg Balance

Not performed

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## Breath Results from Instrument

**1st Result** refused **2nd Result** _____ **3rd Result** If Applicable _____

State of Florida

County of Palm Beach

The Following Instrument was notorized or sworn before me this 10/12/17 (DATE)

- [x] Personaly Known
- [ ] Produced Identification
- [ ] Notary Public

10/12/17

*Notary / Clerk of Courts / Officer (FSS: 117.10)*

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*Signature of Arresting Officer*

SUBJECT: Stafford Nicholas Shealy CASE NUMBER: 17 19241

# 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 its alcohol content.

OR

I am now requesting that you submit to a lawful test of your ☐ **BLOOD** for the purpose of determining its alcohol content.

**NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.**

I am Donde of the West Palm Beach Police Department. If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your priviledge has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdermeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECTS SIGNATURE: On Camera

# 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 voluntailry 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 can not afford a lawyer, you are entitled to the presense 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 previleged to remain silent.
6. I can make no treats 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.

**SUBJECTS SIGNATURE:** On BWC

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# West Palm Beach Police Department
## Breath Testing Facility Report

**Defendant:** Stafford Nicholas Shealy **Case #:** 17 19241

**Arresting Officer:** Donde **Date:** ***10/12/17

**Breath Test Resutls:**

| | | | |
|---|---|---|---|
| refused g/210L | 0016 Time | ____ g/210L | ____ Time |
| ____ g/210L | ____ Time | ____ g/210L | ____ Time |

*Note: Times are in Military Time*

**Breath Operator:** Donde 1530

**Maintenance Technician** Ofc. R. Secord #1639

**Testing Officer Observations:**

**Speech:** slow clear slurred at times

**Attitude:** copoerative

**Clothing:** Tan Shorts grey short

**Medical Conditions:** bi polar left eye does not work aspergers / no medication at this time. nothing prescribed that he is not taking

**Medications:** NONE

**Other:**

**Arrival Time at Facility/ Time Twenty (20) Minute Observation Started:** 2350/2350

**Comments:**

Implied Consent was read he understood "crystal" clear.

Could not understand why he was here and wanted just to go to Gun Club.

**** Re read Miranda warnings ..... 1) You have the right to remain silent and not answer any questions. Do you under stand this he said NO.

Then requested a criminal defense lawyer.

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OCT 12 2017

**DEFENDANT:** Stafford Nicholas Shealy **CASE NUMBER:** 17 19241

# 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 OPERATION 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 FROM? _____
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(3) HOURS? _____
HOW MUCH DO YOU WEIGHT? _____ 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 YOUR 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? _____ WHEN? _____
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 CORRECTABLE 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:** Donde

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OCT 12 2017

# West Palm Beach Police Department

600 Banyan Blvd
West Palm Beach, Florida 33401
(561)822-1900

**Witness List:**

**Arresting Officer:** Donde **Case Number:** 17 19241
**Address:** (West Palm Beach Police Department) 600 Banyan Blvd, West Palm Beach, FL 33401
**Phone Number** **Home:** **Cell:** **Work:** (561)822-1900
**Can Testify to:**

**Witness Name:** Ofc Ryan Secord 1639 **Case Number:** 17 19241
**Address:** West Palm Beach Police Department - 600 Banyan Blvd, West Palm Beach, FL 33401
**Phone Number** **Home:** **Cell:** **Work:** 561-822-1869
**Can Testify to:** Agency Intox Inspector

**Witness Name:** Officer Erhardt **Case Number:** 17 19241
**Address:** 600 Banyan Blvd WPB Fl
**Phone Number** **Home:** 822-1900 **Cell:** **Work:**
**Can Testify to:** assist

**Witness Name:** KRISTEN PLEZ WEBER **Case Number:** 17 19241
**Address:** 2693 PALM RD West Palm Beach 33406
**Phone Number** **Home:** 561 777-9960 **Cell:** **Work:**
**Can Testify to:**

**Witness Name:** **Case Number:** 17 19241
**Address:**
**Phone Number** **Home:** **Cell:** **Work:**
**Can Testify to:**

**Witness Name:** **Case Number:** 17 19241
**Address:**
**Phone Number** **Home:** **Cell:** **Work:**
**Can Testify to:**

**VI. Information or evidence to be supplied later:**
**Item(s):**
**Date will be furnished:**
**Why not supplied at filing:**

**Note: It is the responsibility of the officer filing the case to insure that the foregoing list is complete and correct**

Donde
Signature of the Filing Officer

10/12/17
Date

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