50-2023-CT-002369AMB

0538039

2631

☐ 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: FLOI 5 0 0 0 0 0

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 06-23033831

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: NONE

Multiple Clearance Indicator: 01

Location of Arrest (including Name of Business): LANTANA ROAD & S. HAVERHILL ROAD, LAKE WORTH, FL 33463

Location of Offense (Business Name, Address): LANTANA ROAD & S. HAVERHILL ROAD, LAKE WORTH, FL 33463

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
02/06/2023	20:54					D&D TOWING

DEFENDANT

Name (Last, First, Middle): NICHOLS, TIMOTHY, ANDREW

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	5/30/1976	6'01"	256	BROWN	BROWN	LIGHT	LARGE

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description): TATTOOS - LEFT & RIGHT ARMS & CHEST

Marital Status: Married

Religion: CHRISTIAN

Indication of: Alcohol Influence (Y) ☐ (N) ☐ (Unk) ☐; Drug Influence (Y) ☐ (N) ☐ (Unk) ☐

Local Address (Street, Apt. Number) (City) (State) (Zip): 5036 SABERLINE TERRACE, GREENACRES, FL 33463

Mobile Phone: (561) 631-1059

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

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

Phone: ( )

Address Source: DEFENDANT - VERBAL

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

Phone: ( )

Occupation: UNEMPLOYED

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
N242801761900, FL	[redacted]		BILLINGS, MT	U.S.A.

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) 355-6311) informed of any change of address. ☐ Yes, by: (Name) ☐ No (Reason) | School Attended | Grade

Property Crime? ☐ Yes ☐ No | Description of Property | Value of Property

CODE

Drug Activity: N. N/A, P. Possess, S. Sell, B. Buy, T. Traffic, R. Smuggle, D. Deliver, E. Use, K. Dispense/ Distribute, M. Manufacture/ Produce/ Cultivate, Z. Other

Drug Type: N. N/A, A. Amphetamine, B. Barbiturate, C. Cocaine, E. Heroin, H. Hallucinogen, M. Marijuana, O. Opium/Deriv., P. Paraphernalia/ Equipment, S. Synthetic, U. Unknown, Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
D.U.I.	01	☐ Y ☒ N	316.193(3)(C)(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N	N/A	23033831		OR

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

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
				FEB 7 AM 1:14	

NOTICE TO APPEAR

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

Court Date and Time: Month MARCH Day 2ND Year 2023 Time 08:30 A.M. ☒ P.M. ☐

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant (or Juvenile and Parent/Custodian) | Date Signed: 02/06/2023

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 ☐ Suicidal ☐ Resisted Arrest ☐ Other:

Intake Deputy: J. DUNN I.D. # 36168 Pouch #

Signature of Arresting Officer: X

Name of Arresting Officer (Print): INV. A. SENTMANAT I.D. # 24968

Transporting Officer: INV. A. SENTMANAT I.D. # 24968 Agency: PBSO

Name Verification (Printed by Arrestee) (PRINT) TIMOTHY NICHOLS

Witness here if subject signed with an "X"

PAGE 1 OF 1

PBSO #0146 REV. 11/22 DISTRIBUTION: COURT COPY STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

2631

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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: 23033831

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
Nichols, Timothy, Andrew		W	M	5/30/1976

CHARGES

Charge Description	Charge Description
DUI	
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 6th day of February 20 23 at 07:59 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

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

On Tuesday, February 6th, 2023 at approximately 1959 hrs I responded to a motor vehicle crash at the intersection of Haverhill Rd and Lantana Rd, in unincorporated Lake Worth, Palm Beach County, Florida, 33463.

While en route communications advised that the crash involved 4 vehicles which were obstructing the south bound left turn lanes of Haverhill Rd at the intersection of Lantana Rd just north of the intersection.

Upon arrival I observed all 4 vehicles stopped in the south bound number 2 left turn lane at the intersection. Upon exiting my marked patrol vehicle I made contact with D/S D. Caputo I.D. 34267 who was already on scene investigating the crash.

D/S D. Caputo requested that I make contact with the driver of a red Ford Explorer bearing MN License plate ADG731 whom he believed to be operating a motor vehicle under the influence of alcohol. I made contact with the driver who was identified by his Florida Drivers license as Timothy Nichols.

Upon speaking with Nichols I observed a moderate oder of an unknown alcoholic beverage emanating from his head and shoulder area. I observed his eyes to be blood shot red and watery and his speech to be slurred. based on my observations of Nichols I believed he was operating his vehicle under the influence of an unknown alcoholic beverage, at this time I made contact with Investigator A. Sentamant I.D. 24968 of the Palm Beach County Sheriff's Office DUI/Traffic Unit and requested that he respond to the scene to conduct a DUI Investigator.

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ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer) **D/S V. Blackman 8396**

The foregoing instrument was sworn to or affirmed and subscribed before me this 6th day of February 20 23 by D/S V. Blackman

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

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

THOMASINA MILLER
Notary Public - State of Florida
Commission # HH 339641
My Comm. Expires Dec 7, 2026
Bonded through National Notary Assn.

PAGE 1 OF 1

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PBSO #0004 REV. 04/22

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 6TH DAY OF FEBRUARY 20 23, AT 19:58 AM ✓ PM

SUBJECT: NICHOLS, TIMOTHY, ANDREW CASE NUMBER: 23033831

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. A. SENTMANAT

PERSONAL CONTACT

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

On Monday February 6, 2023 at approximately 2017hrs I responded to a Traffic Crash (PBSO case #23033825) located at S. Haverhill Road & Lantana Road, Lake Worth, FL 33463 in reference to DUI investigation on the at fault driver. Upon arrival I observed a (V1) a 2013 Ford Edge FL tag #ADG731 had struck the rear bumper of a (V2) 2017 GMC Terrain FL tag #PCIH20 (the GMC was stopped at the red light) and the GMC was pushed into (V3) a 2020 Toyota Highlander FL tag #QFXR86. Driver's from V2 & V3 were wheel witnesses to W/M Timothy Andrew Nichols (05/30/76) being the driver of V1.

OBSERVATION OF DRIVER:

Upon making contact with the defendant who was standing behind a deputy's marked unit. I immediately smelled an obvious odor of an unknown alcoholic beverage coming from the defendant. I observed the defendant's eyes to be glassy, watery, and red. I also observed the defendant to be slurring some of his words. I also observed the defendant to have a sway as he stood normally without walking. He walked slow and deliberately towards my vehicle. Each time he spoke I could smell the obvious odor of an unknown alcoholic beverage coming from his breath.

DRIVER'S STATEMENTS:

The defendant stated he has no physical defects or injuries. He stated he has no medical conditions. He stated he is not taking any prescribed medications. He stated he was on his way to Publix, from home. He stated he was driving on Haverhill Road. He stated he has not smoked marijuana or used any illegal drugs today. He stated he drank only one glass of wine about an hour ago. There were times he would ask the same thing over and over again.

ODORS:

An obvious odor of an unknown alcoholic beverage coming from his breath which intensified as he spoke with me.

GENERAL OBSERVATIONS

SPEECH: **Slurred and very talkative.**

ATTITUDE: **Cooperative.**

CLOTHING: **Black shorts, green t-shirt, and brown flip flops.**

MEDICAL/OTHER: **None.**

NOT A CERTIFIED COPY

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. A. SENTMANAT
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6th day of February 2023 by INV. A. SENTMANAT

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

Thomasina Miller (#41017)
Notary Public, Clerk of Court, Officer (F.S.S 117.10)

THOMASINA MILLER
Notary Public - State of Florida
Commission # HH 339641
My Comm. Expires Dec 7, 2026
Bonded through National Notary Assn.

SUBJECT: NICHOLS, TIMOTHY, ANDREW CASE NUMBER 23033831

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

The defendant was placed into the instructional stance for Horizontal Gaze Nystagmus. He verbally identified the red stimulus that I was holding up. He was told to follow the stimulus with his eyes only and not to move He head. I checked his eyes for equal pupil size, equal tracking, and resting nystagmus. I observed a lack of smooth pursuit in both eyes. I observed distinct and sustained nystagmus at maximum deviation in both eyes. I observed onset of nystagmus prior to 45 degrees in both eyes. He was reminded several times not to move his head. I did not observe any vertical nystagmus in neither eye. He swayed from side to side throughout this process.

WALK & TURN:

I explained and demonstrated the instructions for the Walk & Turn to him. He stated he understood the instructions and had no questions for me. He failed to maintain the instructional stance by separating HIS/HER feet help steady himself. He swayed from side to side. He did not walk heel to toe at times, stepped off the line, stopped to steady himself, made an improper turn. He was try to slide to the front foot to the back foot. At the start of the task I asked him if he felt comfortable doing this task with the flip flops and he took them off.

ONE LEG STAND:

I explained and demonstrated the instructions for the One Leg Stand to him. He stated he understood the instructions and had no questions for me. He failed to maintain the instructional stance by separating his feet to help steady himself. He swayed from side to side. He lowered the foot a couple of times, and did not look down at his foot.

FINGER TO NOSE:

I explained and demonstrated the instructions for the Finger to Nose task to him. He stated he understood the instructions and had no questions for me. He failed to maintain the instructional stance by separating his feet to help steady himself. He missed all attempts with both the right and left hand. He used the pad of his fingers, touched under the nose, and to the side of the nose.

ROMBERG ALPHABET:

I explained and demonstrated the instructions for the Rhomberg Alphabet task to him. He stated he understood the instructions and had no questions for me. He failed to maintain the instructional stance by separating his feet to help steady himself. He swayed from side to side. He correctly recited the Alphabet.

BREATH TEST RESULTS: | 1) .180 | 2) .173 | 3) | 4) |

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. A. SENTMANAT
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6th day of February 20 23 by INV. A. SENTMANAT

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

Thomasina Miller (#41017)
Notary Public, Clerk of Court, Officer (F.S.S 117.10)

THOMASINA MILLER
Notary Public - State of Florida
Commission # HH 339641
My Comm. Expires Dec 7, 2026
Bonded through National Notary Assn.

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SUBJECT:_____ CASE NUMBER:_____

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

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

OR

I am now requesting that you submit to a lawful test of your ***URINE*** for the purpose of determining the presence of chemical or controlled substances.

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

I am _____ of the _____

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a refusal to submit to a lawful test of your ***breath, urine*** or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law.

Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS SIGNATURE: (X)_____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X)_____

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

SUBJECT: _____ 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? YES

WHERE WERE YOU GOING? Publix

WHAT STREET OR HIGHWAY WERE YOU ON? South on Haverhill Rd

DIRECTION OF TRAVEL? S WHERE DID YOU START? Home

WHAT TIME DID YOU START? unknown WHAT TIME IS IT NOW? 2230 - 2235

WHAT IS TODAY'S DATE? 2/6 WHAT DAY OF THE WEEK IS IT? Monday

WHAT COUNTY AND CITY ARE YOU IN NOW? Palm Beach County

WHEN DID YOU LAST EAT? 1 hr before WHAT DID YOU EAT? Crockpot Roast

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Driving leftover beef

HOW MUCH DO YOU WEIGH? 250 lbs HAVE YOU BEEN DRINKING? Yes WHAT? Wine

HOW MUCH? 2-3 glasses WHERE? Home WITH WHOM? Family

WHEN DID YOU HAVE YOUR FIRST DRINK? 16:30 AND YOUR LAST DRINK? 16:30

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? —

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? NO HOW MUCH? —

WHAT? — WHERE? — WHEN? —

WHAT LINE OF WORK ARE YOU IN? Medical WHEN DID YOU LAST WORK? today

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? Yes WHAT? back surgery rods & screws 2011 - 2012

ARE YOU SICK OR INJURED? NO WHAT'S WRONG? —

DO YOU LIMP? YES DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY? YES

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? —

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? — WHY? —

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? — WHEN? —

DO YOU HAVE:

EPILEPSY?	N
GLASS EYE?	N
FALSE TEETH?	N
EAR INFECTION?	N
INNER EAR TROUBLE?	N
DIABETES?	N

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? NO

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION? —

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? Yes WHERE? Minnesota

INTERVIEWER: Jm. A. Sottnik # 2968

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WITNESS LIST

CASE NUMBER: 23033831

ARRESTING OFFICER: INV. A. SENTMANAT

ADDRESS: CID/DUI

PHONE NUMBERS (HOME): _____ (WORK) 561-688-3400

CAN TESTIFY TO: FACTS OF THE CASE AND DUI INVESTIGATION.

NAME: D/S BLACKMAN

ADDRESS: 3228 GUN CLUB ROAD, WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME) _____ (WORK) 561-688-3400

CAN TESTIFY TO: SIGNS OF DRIVER'S IMPAIRMENT

NAME: OMEL OCCEUS

ADDRESS 5034 SOLAR POINT DRIVE, GREENACRES, FL 33463

PHONE NUMBERS (HOME) 561-388-4653 (WORK) _____

CAN TESTIFY TO: WHEEL WITNESS AND WAS V3 IN THE ACCIDENT

NAME: D/S CAPUTO #34267

ADDRESS 3228 GUN CLUB ROAD, WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME) 561-688-3400 (WORK) 0

CAN TESTIFY TO: INVESTIGATED THE TRAFFIC CRASH

NAME: GIANNA EZZO

ADDRESS 5056 NAUTICA LAKE CIRCLE, GREENACRES, FL 33463

PHONE NUMBERS (HOME) _____ (WORK) 561-688-3400

CAN TESTIFY TO: WHEEL WITNESS AND WAS V2 IN THE ACCIDENT

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: _____

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TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: NICHOLS, TIMOTHY .A.

CASE NUMBER: 23-033831

DATE: Feb 6, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 22:00

ENDING TIME: 22:20

BREATH TESTS RESULTS: 1) .180 TIME 22:06 A.M.☐ P.M.☒ 2) .173 TIME 22:10 A.M.☐ P.M.☒

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

BREATH OPERATOR: T. MILLER #41017

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: PRONOUNCED

ATTITUDE: COOPERATIVE, POLITE

CLOTHING: TEAL SHIRT, BLACK SHORTS, BROWN SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

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COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 21:36 HRS.

SUBJECT: AGREED TO TAKE TEST.

TECH: READ TEST RESULTS.
SUBJECT: STATED HE UNDERSTOOD TEST RESULTS.

A/O: STATED RIGHTS WERE READ ON SCENE.

A/O: CONDUCTED Q & A.
SUBJECT: ANSWERED QUESTIONS.

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: 80-001741 Software: 8100.27
Date of Test: 02/06/2023

Date of Last Agency Inspection: 01/13/2023
Observation Period Began: 21:36
Subject's Name: TIMOTHY A NICHOLS DOB: 05/30/1976 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	22:04
Air Blank	0.000	22:05
Control Test	0.079	22:05
Air Blank	0.000	22:06
Subject Sample #1	0.180	22:06
Air Blank	0.000	22:07
Air Blank	0.000	22:09
Subject Sample #2	0.173	22:10
Air Blank	0.000	22:10
Control Test	0.079	22:11
Air Blank	0.000	22:11
Diagnostics Check	OK	22:11

Cylinder Lot: 15922080A3
Exp: 08/05/2024

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 THOMASINA E MILLER, 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: Thomasina Miller Date: 02/06/23
Signature

Sworn to (or affirmed) before me this 06 day of February, 2023

Signature of Notary Public-State of Florida

Inv. A. Sentmanat 24968
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

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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.	
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Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023003542	**Date:** 2/7/2023
	Specialist Name/ID: R.Castro/40259