J# 0541259 50 2023-CT-010828ANB P# 3084

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

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATIVE

OBTS Number

Agency ORI Number: FLO 5 0 2 6 0 0 | Agency Name: PALM BEACH GARDENS POLICE DEPARTMENT | Agency Report Number: 78 - 23003175

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 2 | Multiple Clearance Indicator:

Location of Arrest (Including Name of Business): 3860 NORTHLAKE BLVD, PALM BEACH GARDENS, FL 33410

Location of Offense (Business Name, Address): 4435 NORTHLAKE BLVD, PALM BEACH GARDENS, FL 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle KAUFFS TOWING
06/15/2023	23:04					4701 EAST AVE, WEST PALM BEACH 33407

DEFENDANT

Name (Last, First, Middle): ~~FOLWER~~ Fowler WILLIAM JOSEPH

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	11/07/77	6'00"	200	GRN	BRO	LIGHT	LARGE

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): NONE

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): 1019 WHITE OAK DRIVE, RIVIERA BEACH, FL 33410 | Phone: (561) 987-9266 | Residence Type: 1. City 2. County 3. Florida 4. Out of State: 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 1019 WHITE OAK DRIVE, RIVIERA BEACH, FL 33410 | Phone: | Address Source: DRIVERS LICENSE

Business Address (Name, Street) (City) (State) (Zip): SELF EMPLOYED | Phone: | Occupation: LAW FIRM

D/L Number, State	Soc. Sec. No.	INS Number	Place of Birth (City, State)	Citizenship
F460930774070 FL	[redacted]		MILFORD, CT	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 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. Synthetics U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI - BAC OVER .15	1	☐ Y ☒ N	316.193(4)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant I Capias Number	Bond
N	N	N	1		O R

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 Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

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

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

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

FILED PBC - GUN CLUB
'23 JUN 16 AM 8:16

NOTICE TO APPEAR

Location (Court, Room Number, Address): North County Government Center 3188 PGA Blvd, Palm Beach Gardens, FL 33410

Court Date and Time: Month JULY Day 19 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: 06/15/2023

ADMIN

HOLD for other Agency Name: | Signature of Arresting Officer: x N. Wesenick #554 | Name Verification (Printed by Arrestee)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other: | Name of Arresting Officer (Print): NIKOLOS WESENICK & CAMERON GARVER I.D. # 554 /471 | (PRINT)

Intake Deputy: OFC HOWELL I.D. # 7204 Pouch # | Transporting Officer: OFC. N. WESENICK ID # 544 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 15 day of JUNE 2023 at 21:49 ☐ AM ☑ PM

Subject: ~~FOLWER~~ Fowler (NW), WILLIAM, JOSEPH Case Number: 23003175

Agency: PALM BEACH GARDENS POLICE DEPARTMENT Arresting Officer: NIKOLOS WESENICK & CAMERON CARVER 554 /471

PERSONAL CONTACT

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

Victim/witness/caller reported a hit and run at Wendy's at 4435 Northlake Blvd in PBG, FL involving a white Tesla hitting barring Florida tag 95DFNB that reversed into her vehicle in the drive through. The Tesla left the scene, the caller followed the vehicle until law enforcement pulled over the white Tesla. Officer Faris #476 initiated a traffic stop on the white Tesla and identified the driver as William Joseph Fowler by his Florida Drivers License. Caller did not want to do crash report for minor damage to vehicle, just wanted to report the incident. Caller believed driver was impaired due to his blank staring and slow responses.

OBSERVATION OF DRIVER:

Slow, blank stare, lethargic, unable to answer simple questions, unsteady on his feet, swaying, could not follow directions, bloodshot and glassy eyes, smelled of unknown alcoholic beverage on his breath, wet stain in the groin area of his shorts, zipper on the front of his shorts was down.

DRIVER STATEMENTS:

Post Miranda, stated that he had 3 vodka drinks at Lynora's in PBG. He started drinking at 1630 hours and left Lynora's at 2130 hours and was heading to Wendy's to grab food. The last time he consumed food was at approximately 1400 hours eating noodles. Stated he had difficulty with figuring out his Tesla (driving it since 11/2022).

ODORS: unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: slurred and mumbled

ATTITUDE: calm, relaxed

CLOTHING: white polo shirt, red shorts with wet stain, blue shoes.

MEDICAL/OTHER: None.

STATE OF FLORIDA
COUNTY OF PALM BEACH

N. Wesenick #554 471
SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 15 day of JUNE 2023 by NIKOLOS WESENICK & CAMERON CARVER 554 /471 who is ☑ personally known to me or ☐ produced _____.

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

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

STAMP

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D.U.I. PROBABLE CAUSE AFFIDAVIT Cont.

Subject: ~~FOLWER~~ Fowler, WILLIAM, JOSEPH Case Number: 23003175

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:

Moved head, bloodshot glassy eyes, VGN.

Walk and Turn

Unable to maintain balance
started too soon
stops walking to steady himself
missed heel to toe
stepped off the line
improper turn
incorrect number of steps starting task

One Leg Stand

Sways while balancing
used arms for balance
put foot down

Rhomberg

Swayed while performing task
Did not recite as instructed, began to sing alphabet song
odor of alcohol apparent during task.

Finger to Nose

L: Pad to Tip
R: Side to Tip
L: Pad to Tip
R: Side to Tip
R: Side to Tip
L: Side to Tip
odor of alcohol apparent during task.

BREATH RESULTS: 1) .217 @ 00:18 2) .213 @ 00:21 3) _____ @ _____ 4) _____ @ _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

N. Wesenick #554 /471
SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 15 day of JUNE 20 23 by NIKOLOS WESENICK & CAMERON CARVER 554 /471 who is ☑ personally known to me or ☐ produced _____.

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SUBJECT:_____ CASE NUMBER: 2300375

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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23003175

DUI WITNESS LIST

Arresting Officer: NIKOLOS WESENICK & CAMERON CARVER 554 /471 Email: NWESENICK@PBGFL.COM
Agency Address: 10500 N MILITARY TRAIL PBG, FL 33410 Phone: (561) 799-4445
Can Testify To: FACTS OF CASE CCARVER@PBGFL.COM

Backup Officers: J. FARIS #476 / Y. BORGELA #534 / J. KAHN #545
Agency Address: 10500 N MILITARY TRAIL PBG, FL 33410 Phone: (561) 799-4445
Can Testify To: TRAFFIC STOP / WITNESS STATEMENTS / SCENE SAFETY

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

Breathalyzer Technician: THOMASINA MILLER ID: 41017 Agency: PBSO

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

Name: ASHLEY LA'TRIO FINLEY Involvement: WITNESS
Address: 3440 AVE F, RIVIERA BEACH, FL 33404 Phone: (561) 329-9286
Can Testify To: WENDY'S INCIDENT TO TRAFFIC STOP ☑ 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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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: 06/16/2023

Date of Last Agency Inspection: 05/19/2023
Observation Period Began: 23:43
Subject's Name: WILLIAM J FOWLER DOB: 11/07/1977 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	00:15
Air Blank	0.000	00:16
Control Test	0.079	00:16
Air Blank	0.000	00:17
Subject Sample #1	0.217	00:18
Air Blank	0.000	00:19
Air Blank	0.000	00:20
Subject Sample #2	0.213	00:21
Air Blank	0.000	00:21
Control Test	0.077	00:22
Air Blank	0.000	00:22
Diagnostics Check	OK	00:22

Cylinder Lot: 08622080A1
Exp: 06/05/2024

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: 06/16/23
Signature

Sworn to (or affirmed) before me this 16 day of June, 2023

N. Wesenick #554 Ofc. N. Wesenick
Signature of Notary Public-State of Florida 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 GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 23-079221 PBSO Zone: 3-13

Agency Case #: 23003175 Crash Case #: _____

Incident Information:

Time of Stop/Crash: 21:49 Date of Incident: 06/15/2023 Day: THURSDAY

Location of Incident: 4435 NORTHLAKE BLVD, PALM BEACH GARDENS, FL 33410

Arrest Information:

Time of Arrest: 23:04 Date of Arrest: 06/15/2023 Day: THURSDAY

Location of Arrest: 3860 NORTHLAKE BLVD, PALM BEACH GARDENS, FL 33410

Subject's Name: (L) ~~FOLWER~~ Fowler (N.J), (F) WILLIAM, (M) JOSEPH

DOB: 11/07/77 Race: W Sex: M Height: 6'00" Weight: 200 Hair BRO Eye GRN

Address: 1019 WHITE OAK DRIVE, RIVIERA BEACH, FL 33410 Phone: (561) 987-9266

Arresting Officer's Name: NIKOLOS WESENICK & CAMERON CARVER ID#: 554 /471

Agency: PBGPD Division: TRAFFIC

Breath Results

1) .217 at 00:18 hrs.
2) .213 at 00:21 hrs.
3) _____ at _____ hrs.
4) _____ at _____ hrs.

---BAT Use---

BAT Notified: YES
Arrival Time at BAT: 23:43
Subject Arrest Time: 23:04

Breath Test Operator: THOMASINA MILLER 41017
PBSO

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TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: FOWLER, WILLIAM .J.

CASE NUMBER: 23-079221

DATE: Jun 15, 2023

VIDEO DVD NUMBER:

BEGINNING TIME: 00:10

ENDING TIME: 00:29

BREATH TESTS RESULTS: 1) .217 TIME 00:18 A.M.☒ P.M.☐ 2) .213 TIME 00:21 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: SLURRED

ATTITUDE: CALM

CLOTHING: WHITE SHIRT, PEACH SHORTS, BLUE LOAFERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

Eyes: Glassy

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 23:43 HRS.

SUBJECT: ASKED WHAT ARE MY OPTIONS?

A/O: READ I/C.
SUBJECT: STATED HE UNDERSTOOD I/C AND AGREED TO TAKE TEST.

A/O: READ RIGHTS.
SUBJECT: STATED HE UNDERSTOOD RIGHTS.

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

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

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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.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023015771	**Date:** 6/16/2023
	Specialist Name/ID: Chantel Daniels/30347