

18073300 SB  
 0495894  
 AD  
 988

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias		1	Juvenile	N	
Agency ORI Number <b>FL 0500300</b>		Agency Name <b>BOYNTON BEACH POLICE DEPT.</b>		Agency Report Number <b>34-18-010061</b>							
Charge Type: Check as many as Apply.		<input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		If Weapon Seized Enter Type		Multiple Clearance Indicator	
Location of Arrest (Including Name of Business) <b>2605 W. WOOLBRIGHT RD, BOYNTON BCH, FL, 33436 (7-11)</b>						Location of Offense (Business Name, Address) <b>2605 W. WOOLBRIGHT RD, BOYNTON BCH, FL, 33436</b>					
Date of Arrest <b>02/18/2018</b>		Time of Arrest <b>0317</b>		Booking Date		Booking Time		Jail Date		Jail Time	
Name (Last, First, Middle) <b>MANNING, BENJAMIN WISE</b>						Alias (Name, DOB, Soc. Sec. #, Etc)					
W - White B - Black		I - American Indian O - Oriental / Asian		Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>07/21/1977</b>	Height <b>510</b>	Weight <b>200</b>	Eye Color <b>GREEN</b>	Hair Color <b>BROWN</b>	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)						Marital Status <b>SINGLE</b>		Religion <b>N/A</b>		Indication of: Alcohol Influence <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Drug Influence <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Local Address (Street, Apt. Number) (City) (State) (Zip) <b>187 N. SHORE DR APT 6, MIAMI BEACH, FLORIDA, 33141</b>						Phone ( ) - ( ) - ( )		Residence Type 1. City 3. Florida 2. County 4. Out of State		3	
Permanent Address (Street, Apt. Number) (City) (State) (Zip)						Phone ( ) - ( ) - ( )		Address Source <b>FL DL</b>			
Business Address (Street, Apt. Number) (City) (State) (Zip)						Phone ( ) - ( ) - ( )		Occupation <b>SURFER</b>			
D/L Number, State <b>M552079772610 / FL</b>		Soc. Sec. Number [REDACTED]		INS Number		Place of Birth <b>FALLRIVER, MA</b>		Citizenship <b>US</b>			
Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor	<input type="checkbox"/> 5. Juvenile		
Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor	<input type="checkbox"/> 5. Juvenile		
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> 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 <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2526) informed of any change of address: <input type="checkbox"/> Yes, By: (Name) <input type="checkbox"/> No, (Reason)						School Attended		Grade			
Property Crime? Yes <input type="checkbox"/> No <input type="checkbox"/>		Description of Property				Value of Property					
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. Barbituate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other
Charge Description <b>DUI</b>		Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number <b>316.193.1</b>		Violation of ORD#			
Drug Activity		Drug Type	Amount/Unit	Offense # <b>18-010061</b>		Warrant/Capias Number		Bond			
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD#			
Drug Activity		Drug Type	Amount/Unit	Offense #		Warrant/Capias Number		Bond			
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD#			
Drug Activity		Drug Type	Amount/Unit	Offense #		Warrant/Capias Number		Bond			
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD#			
Drug Activity		Drug Type	Amount/Unit	Offense #		Warrant/Capias Number		Bond			
<input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court <input type="checkbox"/> Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.		Location (Court, Room Number, Address) <b>South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444</b>									
		Court Date and Time Month <b>03</b> Day <b>26</b> Year <b>2018</b> Time <b>0830</b>								<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> 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					
HOLD for other Agency Name:		Signature of Arresting Officer				Name Verification (Printed by Arrestee) (PRINT)					
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:		Name of Arresting Officer (Print) <b>OFFICER CASTRO</b>		I.D. # <b>905</b>		BU# <b>110621</b>		Page OF 1	
Intake Deputy <b>SPANW 8101</b>		I.D. #	Pouch #	Transporting Officer <b>OFFICER CASTRO</b>		I.D. # <b>905</b>	Agency <b>BBPD</b>	Witness here is subject Signed with an "X"			

**FILED**  
 FEB 18 4 57:42  
 FEB 19 2018  
 CIRCUIT & COUNTY COURTS  
 (CRIMINAL DIV.)

**SCANNED**  
 FEB 22 2018

**D.U.I. PROBABLE CAUSE AFFIDAVIT**

ON THE 18 DAY OF February 2018 AT 0242  A.M  P.M.

CASE #: 18-010061 DEFENDANT: MANNING, BENJAMIN WISE

**PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:**

On the above date and time, I responded to 2605 W. Woolbright Rd (7-11) in reference to Drunk Pedestrian. Let it be noted that this incident occurred within the City of Boynton Beach, Palm Beach, Florida. Caller/ employee advised that a W/M appeared to be under the influence and was entering a Black BMW bearing Florida tag GIWI24. Caller advised that he vehicle was parked near a gas pump.

Upon arrival I observed other officers near the above vehicle. Outside of the vehicle was a W/M, later identified as Manning, Benjamin (07/21/77). I then made contact with Officer Pires, who advised that upon his arrival he observed Manning sitting in the driver seat of the above vehicle, near a gas pump. Upon making contact with Manning, Officer Pires advised that the keys to the vehicle were in the ignition and the engine was on. Officer Pires advised that while briefly speaking with Manning, he detected the odor of an unknown alcoholic beverage emanating from his breath, which intensified as he spoke. Officer Pires advised that Manning's speech with thick and slurred and that his eyes were bloodshot/glassy. Officer Pires advised that due to Manning's appearance he believed that Manning was under the influence of an unknown alcoholic beverage. Therefore he requested for Manning to turn off the engine and exit the vehicle. Officer Pires advised that Manning stated that he "fucked up" and that he "was guilty" and that he "shouldn't have done that". See Officer Pires' statement for further.

I then made contact with the caller, Patel, Ranjitshinh (07/01/63) inside the business. Patel advised that Manning entered the business inquiring about a car wash. Patel advised that Manning looked all "drunk up, red eyed" and he believed that Manning was under the influence of either alcohol or narcotics. Patel advised that he advised Manning that the car wash was broken, at which time Manning proceeded to the restroom. Patel advised that Manning had a difficult time opening the unlocked bathroom door, which after 4 tries he was successful. Patel advised that he had customers advised him that Manning did not look right as well. Patel completed a statement via BWC.

I then made contact with Manning, who was still standing outside of his vehicle. Manning's eyes were bloodshot/glassy and his face was flushed. Manning was smiling and appeared to be relaxed. Manning quickly advised that he "Fucked Up", that he had a couple of drinks. When I asked Manning where he was coming from, he stated Boston.

When attempting to clarify if he meant Boston the restaurant in Delray Beach, he wouldn't answer the question. Manning took a deep breath in and stated that maybe he was too aggressive. Manning advised that he was just trying to have some fun and meet some girls, but he didn't do it the right way. Manning then suggested that I leave his car there and give him forgiveness. While speaking Manning he wouldn't stand straight up, he was leaning on his car. Every time I asked Manning a question, he would redirect the question and speak about something else. Manning's speech was thick and slurred. I also detected the odor of the unknown alcoholic beverage emanating from Manning's breath, which intensified as he spoke. Based on my investigation at this point I asked Manning to walk towards the front of my patrol vehicle, which he was hesitate at first then complied. Once in front of my fully marked patrol vehicle, Manning advised that "this isn't fair". Manning then advised that he was "not doing this". I then advised Manning that the investigation was being audio/video recorded, which he stated that he understood. While explaining to Manning the reason for police presence and my investigation so far he denied stating that he was drinking. Manning was swaying back and forth while speaking. Manning advised that his attorney speaks from him and he stated not to honest. Based on investigation at this point, I requested Manning to submit to a series of Road Side Sobriety Task, which he replied that he was here to be a good human being. I then requested again, which he refused. I then advised Manning of his Taylor Warnings, which he stated it was completely inappropriate. I then requested again, which he refused again. At that moment Manning was placed into custody under suspicion of DUI.

**HORIZONTAL GAZE NYSTAGMUS:**

- |  |   |
|--|---|
| <input type="checkbox"/> Left eye does not follow smoothly                 | <input type="checkbox"/> Right eye does not follow smoothly                 |
| <input type="checkbox"/> Left eye prior to 45 degrees                      | <input type="checkbox"/> Right eye prior to 45 degrees                      |
| <input type="checkbox"/> Distinct jerking in left eye at maximum deviation | <input type="checkbox"/> Distinct jerking in right eye at maximum deviation |
| <input type="checkbox"/> Vertical Nystagmus in left eye                    | <input type="checkbox"/> Vertical Nystagmus in right eye                    |

**WALK AND TURN:**

REFUSED

**ONE LEG STAND:**

REFUSED

**FINGER TO NOSE:**

REFUSED

**ROMBERG/ALPHABET:**

REFUSED

Manning was placed into handcuff (D/L and Spaced) and placed in the back seat of my patrol vehicle (#4734). I then transported Manning to the Boynton Beach Police Department to continue my investigation. I arrived at BBPD at 0324hrs, started my 20 minutes observation at 0325hrs and completed at 0345hrs. Upon completion I requested

Manning to provide a sample of his breath to determine the alcohol content, which he refused. I then read Manning Implied Consent, which he did not agree to it and did not believe in it. Manning did advise that he understand though. Manning then advised that he was not providing a sample. I then read Manning his Miranda Warnings, which he stated that he understood. Manning then completed the Q&A's attached to this packet. Let it be noted that while answering the questions Manning would redirect the question and speak about things not relevant to the question and/or investigation. Manning did advise that had been drinking, that he felt the effects of the alcoholic and was under the influence. During the BAT video Manning was being aggressive and requesting to be placed in a cell with the "baddest mother fucker, I will fuck him up".

Based on the above stated facts I have established Probable Cause to charge Manning with 1M count of DUI with F.S.S. 316.193(1). Manning was processed and later TOT PBCJ.

Manning's vehicle was removed from scene by Blake's Towing. The SFST video and BAT video were later entered into Boynton Beach Evidence. Incident was also captured via BWC.

The following instrument was sworn to before me this 18 day of February 2018

By: PERSONALLY KNOWN / OFFICER CASTRO #905



Notary/Police Officer (F.S.S. 117.10)



Signature of Arresting Officer

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.

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

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

Note: Read only if the subject does not comply with your request.

I am OFFICER CASTRO #905 of the Boynton 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 privilege 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 misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

**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 statements can and will be used against you in a court of law.

Suspect's Signature: READ ON VIDEO

SCANNED  
FEB 22 2018

**TESTING FACILITY TASK REPORT**

CASE #: 18-010061  
Date: 2/18/18

DEFENDANT: MANNING, BENJAMIN WISE  
Video Tape #: 4734

**BREATH TEST RESULTS: REFUSED**

1. \_\_\_ g/210L Time \_\_\_  a.m.  p.m.      3. \_\_\_ g/210L Time \_\_\_  a.m.  p.m.  
2. \_\_\_ g/210L Time \_\_\_  a.m.  p.m.      4. \_\_\_ g/210L Time \_\_\_  a.m.  p.m.

BREATH OPERATOR: OFFICER CASTRO #905  
MAINTENANCE TECHNICIAN: OFFICER CASTRO #905

**TESTING OFFICER'S OBSERVATIONS**

SPEECH: THICK, SLURRED  
ATTITUDE: COOPERATIVE/AGGRESSIVE  
CLOTHING: BLUE STRIPE SHIRT, BLUE PANTS, BLACK SHOES  
MEDICAL CONDITIONS: UNKNOWN  
MEDICATIONS: UNKNOWN  
OTHER: \_\_\_\_\_

COMMENTS:

NOT A CERTIFIED COPY

SCANNED  
FFR 2 / 2018

CASE #: 18-010061

DEFENDANT: MANNING, BENJAMIN WISE

**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.**

Where you operating a motor vehicle at the time of the stop/Accident? NOT REALLY, NO

Where were you going? -

What Street or Highway were you on? -

What was you direction of travel? -

Where did you start from? BUSINESS, THEN DECIDED TO GO TO GAS STATION TO RELAX

What time did you start? I DON'T KNOW

What time is it now? NO I DON'T KNOW

What is today's date? FEBRUARY 17<sup>TH</sup>, 18<sup>TH</sup>

What day of the week is it? DOESN'T MATTER, WHY WOULD IT MATTER TO YOU  
WE HAVE PEOPLE KILLED IN BROWARDS COUNTY, I HAVE NOTHING TO DO

What City and County are you in now? WITH THAT

When did you last eat? LATE NIGHT, I DON'T KNOW. JUST NAME WHAT YOU WANT, IT DOESN'T MATTER

What did you eat? -

What have you been doing for the last three hours? TRYING TO PLEASE PEOPLE TO HAVE A GOOD NIGHT

How much do you weigh? 210

Have you been drinking? YES

What have you been drinking? ONE DRINK WITH A GROUP

How much? ONE

With whom? A GROUP

When did you have your first drink? HOURS AGO

When did you have your last drink? ITS TOUGH, HOW DO YOU JUDGE THAT, 5 HOURS AFTER

Can you feel the effects of the alcohol? YES

Are you under the influence? ALMOST DONE WITH IT, FOR SURE

Have you consumed any alcohol since the stop/accident? NO

How much? - What? - Where? - When? -

What line of work are you in? GIVING CONTRACTORS A SITE TO WORK ON

When did you last work? -

Do you have any physical defects or injuries? NO What? -

Are you sick or injured? NO What's wrong? -

Do you limp? NO

Did you receive a bump on the head recently? NO

Where you in an accident today? NO

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? YES

What? COLCHICINE When? ONCE A DAY

Do you have? Epilepsy NO Glass Eye NO False teeth NO

Ear infection NO Inner ear trouble NO Diabetes NO

Do you have any problems with you eyes that are not corrected by glasses? NO

Do you take insulin? NO If so, when was your last injection? -

Have you ever gad a driver's license in any other state? NO

Where? -

**SCANNED**  
FEB 14 2018

**NOT A CERTIFIED COPY**

**SCANNED**  
FEB 22 2018

CASE #: 18-010061

DEFENDANT: MANNING, BENJAMIN WISE

Arresting Officer: CASTRO #905  
Address: 100 E. Boynton Beach Boulevard Boynton Beach, Fl. 33435  
Phone Numbers: Home: \_\_\_\_\_ Work: (561) 742-6100

Name: OFFICER V. PIRES  
Address: 100 E. BOYNTON BEACH BLVD, BOYNTON BEACH, FL, 33435  
Phone Numbers: Home: \_\_\_\_\_ Work: 561-742-6100  
Can testify to: THE INVESTIGATION

Name: PATEL, RANJITSHINH PANUBHAI  
Address: 2605 W. WOOLBRIGHT RD, BOYNTON BEACH, FL, 33436  
Phone Numbers: Home: \_\_\_\_\_ Work: 954-600-9900  
Can testify to: THE INCIDENT

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: \_\_\_\_\_  
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Can testify to: \_\_\_\_\_

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Can testify to: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Numbers: Home: \_\_\_\_\_ Work: \_\_\_\_\_  
Can testify to: \_\_\_\_\_