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ARREST / NOTICE TO APPEAR

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

OBTS Number Agency ORI Number 0500800 Agency Name West Palm Beach Police Department Agency Report Number (N.T.A.'s only) 9-4-2017-0021791

Name (Last, First, Middle) STUART, BRENT CHRISTOPHER Alias: Alias (Name, DOB, Soc. Sec. #, Etc.) Race W - White Date of Birth 05/10/1979 Height 5'10 Weight 180 Eye Color BROWN Hair Color BLACK Complexion LIGHT Build Medium

Local Address (Street, Apt. Number) 806 E WINDWARD WAY 510, LANTANA, FL 33462 Phone (617) 429-6552 Residence Type: 1. City 2. County 3. Florida 4. Out of State 2

Charge Description DRIVING WHILE UNDER INFLUENCE Statute Violation Number 316.193(1) Drug Activity N Drug Type N Amount / Unit / Offense # 2017-0021791 Counts 1 Domestic Violence Y N Warrant / Capias Number

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

INSTRUCTION NO. 1 - Mandatory appearance in court INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2. Criminal Justice CRIMINAL JUSTICE COMPLEX 3228 GUN CLUB ROAD 12/21/2017 08:30:00

HOLD for Other Agency Signature of Arresting Officer Name Verification (Printed by Arrestee) NOV 24 AM 3:13

DUI PROBABLE CAUSE AFFIDAVIT

On the

23rd

Day of

NOVEMBER 2017

at

0020

A.M. P.M.

Subject:

BRENT STUART

Case Number:

17-21791

Agency:

West Palm Beach Police Department

Arresting Officer:

STREIGOLD #1753

Personal Contact

Driving Pattern

Actual physical control (physical evidence putting the driver behind the wheel)

According to the initial officer, a black Toyota Camry (M732EE), was seen driving southbound in the northbound lanes of S Dixie Hwy near El Prado, almost colliding with a WPBPD marked patrol car. The initial officer pulled behind the suspect vehicle to initiate a traffic stop. The initial officer observed the suspect vehicle swerving within his lane of traffic. After the initial officer activated his emergency lights the vehicle pulled onto Nottingham Blvd and stopped. The initial officer advised there was only one occupant in the car.

Observation of Driver

The initial officer advised the driver had slurred speech and glossy eyes and a heavy scent of cologne was present.

Upon my contact with Brent Stuart (driver) he was still sitting in the drivers seat. He had slurred speech and his eyes were glossy. I asked Stuart to exit the vehicle (in which he complied). Upon exiting Stuart had to place a hand on his vehicle to maintain his balance. While speaking to Stuart, he was swaying back and forth. An odor of an unknown alcoholic beverage on his breathe and continued slurred speech was noted during our conversation.

Drivers Statements:

Driver stated he drank one glass of wine with dinner at approximately 2150hrs at a French restaurant on Palm Beach Island. He advised he spent several hours at the restaurant.

Odors:

Odor of an unknown alcoholic beverages on driver's breathe.

General Observations

Speech: Slurred

Attitude: Calm and Cooperative

Clothing: white shirt and blue jeans

Medical Problems/Medications: Lexapro

Other:

SCANNED

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NOV 24 2017

DUI PROBABLE CAUSE AFFIDAVIT

BRENT STUART

Subject: _____

Case Number: _____

17-21791

Roadside Tasks

Horizontal Gaze Nystagmus

- | | |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Left Eye Does Not Follow Smoothly | <input checked="" type="checkbox"/> Right Eye Does Not Follow Smoothly |
| <input type="checkbox"/> Left Eye Jerks at 45 Degree Angle or Less | <input type="checkbox"/> Right Eye Jerks at 45 Degree Angle or Less |
| <input type="checkbox"/> Distinct Jerking Left Eye at Maximum Deviation | <input type="checkbox"/> Distinct Jerking Right Eye at Maximum Deviation |

Driver followed the pen with his eyes and head. Driver was warned multiple times not to move his head and keep his head straight. I observed the driver swaying during the exercise.

Walk and Turn Task

The driver was told to stand with his feet together with his left foot on the line and with his right heel touching the front of his left foot. The driver attempted to place his left foot on the line and failed to maintain balance before placing his right foot in-front. During the first nine heel-to-toe steps the driver failed to keep his arms at his side as he raised them to maintain his balance and also did not complete actual heel-to-toe on any of the steps. On step one and two he placed his foot outside the line and had to reposition. On the return nine heel-to-toe steps the driver again was unable to keep his arms at his side. He again was unable to complete an actual heel-to-toe. On steps one and four the driver placed his foot outside the line and had to reposition.

One Leg Stand

I had the driver stand with his feet together and hands down at his side. I explained and demonstrated the exercise and the driver stated he understood the instructions. When told to begin the driver lifted his right foot off of the ground. The driver counted to one thousand 17 in the allotted 30 seconds which was timed on a stopwatch. The driver placed his right foot down on one thousand 3, 8, 10, 11 and 12. the driver was using his arms to balance and was swaying during the exercise. I ended the exercise when the stopwatch reached 30 seconds.

Finger To Nose

The driver was told stand with his feet together and hands at his side with index fingers pointed out. The driver was advised to tilt his head back and close his eyes. The driver stated he understood the exercise. On the first left, he raised his left arm and the tip of his left pointer finger touched the left side of his nose. On the second and third left, he raised his left arm and the pad of his left pointer touched the tip of his nose. On the first right, he raised his right arm and the tip of his right pointer touched the right side of his nose. On the second right, he raised his right arm and the pad of the right pointer touched the tip of his nose. On the third right, he raised his right arm and the tip of his right pointer touched the bridge of his nose.

Romberg Balance

Breath Results from Instrument

1st Result

.181

2nd Result

.182

3rd Result

If Applicable

State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this _____

(DATE)

Personally Known

Produced Identification

Notary Public

[Signature]
Notary / Clerk of Courts / Officer (FSS: 117.10)

[Signature]
Signature of Arresting Officer

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SUBJECT: _____

BRENT STUART

CASE NUMBER: _____

17-21791

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 **STREIGOLD #1753** 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 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.

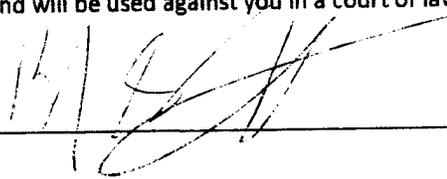
SUBJECTS SIGNATURE: _____

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 can not 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 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: _____



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DEFENDANT: BRENT STUART

CASE NUMBER: 17-21791

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: YES

WHERE WERE YOU GOING? HOME

WHAT STREET OR HIGHWAY WERE YOU ON? DIXIE

DIRECTION OF TRAVEL? SOUTH WHERE DID YOU START FROM? PALM BEACH

WHAT TIME DID YOU START? DO NOT KNOW WHAT TIME IS IT NOW? DO NOT KNOW

WHAT IS TODAY'S DATE? THANKSGIVING WHAT DAY OF THE WEEK IS IT? THURSDAY

WHAT COUNTY AND CITY ARE YOU IN NOW? PALM BEACH

WHEN DID YOU LAST EAT? 2-3 HOURS AGO WHAT DID YOU EAT? STEAK TAR-TAR

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE(3) HOURS? EATING

HOW MUCH DO YOU WEIGHT? 180 HAVE YOU BEEN DRINKING? 1 DRINK WHAT? GLASS OF RED WINE

HOW MUCH? 1 GLASS WHERE? RESTAUARNT WITH WHOM? MYSELF

WHEN DID YOU HAVE YOUR FIRST DRINK? THAT WAS IT AND YOUR LAST DRINK? THAT WAS IT

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? ORALLY

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO

ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? -- HOW MUCH? --

WHAT? -- WHERE? -- WHEN? --

WHAT LINE OF WORK ARE YOU IN? PHYSICAL THERAPY

WHEN DID YOU LAST WORK? YESTERDAY

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 YOUR HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? PRESCRIPTION LEXAPRO WHEN? 1PM

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? -- WHEN? --

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? YES WHAT? LEXAPRO WHEN? 1PM

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 YOUR EYES THAT ARE NOT CORRECTABLE BY GLASSES? WEAR CONTACTS

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? PA, NJ

INTERVIEWER: STREIGOLD #1753

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TESTING FACILITY TASK REPORT

AGENCY: WPPD Ofc. Streigold #1753
SUBJECT: Stuart, Brent CASE NUMBER: 17-155423
DATE: 11-24-17 VIDEO TAPE NUMBER: —
BEGINNING TIME: 0101hrs ENDING TIME: 0118hrs
BREATH TESTS RESULTS: 1) .181 TIME 0106 (A.M.) P.M. 2) .182 TIME 0108 (A.M.) P.M.
3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: S. O'Neal #6212

MAINTENANCE TECHNICIAN: DIS J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slur

ATTITUDE: Calm, Cooperative

CLOTHING: Shirt- white Pants- Blue Jeans

MEDICAL CONDITIONS: None

MEDICATIONS: None / Lexapro on camera

OTHER: Eyes: Very Red & Glassy

Odor of unknown alcoholic beverage. #1753

COMMENTS: 20 min. observation done by AIO Streigold

AIO requested the breath test.

D submitted to the breath request.

D completed the test correctly.

C/W read on camera.

Q+A conducted

D stated he had 1 glass of wine on camera.

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WITNESS LIST

CASE NUMBER: 17-21791

ARRESTING OFFICER Ofc. D. Streigold

ADDRESS 600 banyan blvd WPB FL 33401

PHONE NUMBERS (HOME) _____ (WORK) 561 822 1900

CAN TESTIFY TO: Arresting Ofc.

NAME: Ofc. Resnik

ADDRESS 600 banyan blvd WPB FL 33401

PHONE NUMBERS (HOME) _____ (WORK) 561 822 1900

CAN TESTIFY TO: Traffic Pattern

NAME: Ofc. Santacruz

ADDRESS 600 banyan blvd WPB FL 33401

PHONE NUMBERS (HOME) _____ (WORK) 561-822-1900

CAN TESTIFY TO: Traffic Pattern

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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