

PROBABLE CAUSE AFFIDAVIT

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

1 Juvenile N

ADMIN	OBTs Number	Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number 06- 18-065477
	Agency ORI Number FLO 500000	Special Notes:		

CHARGES	Charge Type: Check as many as apply.	1. Felony <input type="checkbox"/>	2. Traffic Felony <input type="checkbox"/>	3. Misdemeanor <input type="checkbox"/>	4. Traffic Misdemeanor <input checked="" type="checkbox"/>	5. Ordinance <input type="checkbox"/>	6. Other <input type="checkbox"/>
	Name (Last, First, Middle) KATZ, BRIAN MATTHEW	Alias			Race w	Sex m	Date of Birth 01/11/1981

VICTIM	Charge Description DUI	316.193(1)	Charge Description
	Charge Description		Charge Description
	Victim's Name (Last, First, Middle) STATE OF FLORIDA	Race	Sex

Local Address (Street, Apt. Number)	(City)	(State)	(zip)	Phone	Address Source
Business Address (Name, Street)	(City)	(State)	(zip)	Phone	Occupation GOVERNMENT

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody

committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

confessed to _____ admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.

On the 21st day of APRIL 2018 at 2008 A.M. P.M. (Specifically include facts constituting cause for arrest.)

I was monitoring traffic in the Village of Wellington, Palm Beach County, Florida when I saw a black Cadillac Escalade traveling west on Pierson Rd at a very high rate of speed. I estimated the vehicle speed at 84 mph in a 30mph zone. As the vehicle approached the the turn at Ousley Farms Rd, it slowed to approximately 50 mph. The SUV made the right hand turn so fast, that the vehicle appeared that it was going to roll over. I got behind the black Cadillac Escalade bearing Florida tag DBZE98 and paced it for two tenths of a mile at 50moh in a 30 mph zone. I conducted a traffic stop at Ousley Farms Rd and Greenbriar Blvd. I identified the WM driver / sole occupant by Florida DL as Brian Matthew Katz. He had red, watery, glassy eyes, slurred speech, and the odor of an unknown alcoholic beverage that came from his breath and intensified when he spoke to me. He fumbled with his license, never produced his other paperwork, and had great difficulty answering simple questions.

I called for a DUI investigator to conduct a possible DUI investigation. I turned over the investigation to Inv. J. Schaefer.

STATE OF FLORIDA COUNTY OF PALM BEACH	DS DANIEL MERCIER 8236	(Signature of Arresting/Investigative Officer)
The foregoing instrument was sworn to or affirmed and subscribed before me this <u>21st</u> day of <u>April</u> 20 <u>18</u> by <u>DS DANIEL MERCIER 8236</u>	KNOWN LEO	
(Print name of Arresting/Investigative Officer, who is personally known to me and/or produced identification. Type of identification produced)	<u>Inv. J. Schaefer #8777</u>	

SCANNED
APR 22 2018

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 21st DAY OF APRIL 20 18, AT 20:08 AM PM

SUBJECT: KATZ BRIAN MATTHEW CASE NUMBER: 18-065477

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. J. SCHAEFER

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

On 04/21/2018 at approximately 20:10hrs, I was called to the scene of a traffic stop at the intersection of Ousley Farms Road and Greenbriar Blvd, which is located in the Village of Wellington, Palm Beach County, Florida. I arrived at the scene at approximately 20:33hrs. D/S Daniel Mercier #8236 relayed to me, and completed a written signed sworn supplemental Probable Cause Affidavit, that he had stopped the defendant's vehicle, a black 2015 Cadillac Escalade bearing FL tag DBZ-E98, because the defendant was speeding (50/30mph). D/S D. Mercier noticed that the defendant had articulable indicators of impairment, so he called for a DUI unit to conduct a possible DUI investigation. D/S D. Mercier identified the defendant, to me, as the driver and sole occupant of the vehicle, at the time of the stop.

OBSERVATION OF DRIVER:

Upon making contact with the driver who was identified by their Florida driver license as "BRIAN MATHEW KATZ", I immediately detected an obvious and strong odor of an unknown alcoholic beverage emitting from his person and face area. This odor intensified as I spoke to Katz. Katz had glassy, glazed, and blood shot eyes. Katz's speech was slurred, slow, thick, and at times difficult to understand. Katz's movements were slow and deliberate. Katz was lethargic in his movements with poor coordination, using the door of the vehicle for support. Katz had an unsteady gate while walking to my patrol vehicle and had difficulty following directions given to him. Katz was wearing a white polo shirt, blue jeans, and flip-flops. All the clothing appeared disheveled.

DRIVER'S STATEMENTS:

Pre-Miranda: Katz attempted to keep conversation to a minimum by nodding his head in response to my questions.

Katz refused to provide a breath sample after Implied Consent, which Katz stated he understood. Additionally, Katz declined to participate in the Q&A portion of the interview.

ODORS:

A strong and obvious odor of an unknown alcoholic beverage was emitting from his person and face area which intensified as I spoke to Katz.

GENERAL OBSERVATIONS

SPEECH: Katz's speech was slurred, slow, and thick, and at times difficult to understand.

ATTITUDE: indifferent, annoyed, carefree

CLOTHING: white polo shirt, blue jeans, and flip-flops

MEDICAL/OTHER: none stated

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. J. SCHAEFER

(Signature of Arresting/Investigative Officer)

Inv. J. Schaefer # 8777

The foregoing instrument was sworn to or affirmed and subscribed before me this 21st day of APRIL 20 18 by INV. J. SCHAEFER

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

PERSONALLY KNOWN LEO

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



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APR 22 2018

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|--|--|
| <input type="checkbox"/> LT EYE-LACK OF SMOOTH PURSUIT | <input type="checkbox"/> RT EYE-LACK OF SMOOTH PURSUIT |
| <input type="checkbox"/> LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION | <input type="checkbox"/> RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION |
| <input type="checkbox"/> LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES | <input type="checkbox"/> RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES |

Other Observations:

Katz declined to participate in the SFST's at which time he turned around and placed his hands behind his back. I asked Katz to turn back around so I can explain to him his Taylor Warnings. Katz, stating he understood, again declined to perform the SFST's.

WALK & TURN:

NOT PERFORMED

ONE LEG STAND:

NOT PERFORMED

FINGER TO NOSE:

NOT PERFORMED

ROMBERG ALPHABET:

NOT PERFORMED

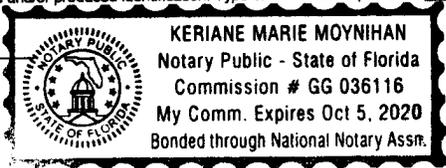
BREATH TEST RESULTS: 1) REFUSED 2) REFUSED 3) 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. J. SCHAEFER *Inv. J. Schaefer #8777*
(Signature of Arresting/Investigative Officer)
The foregoing instrument was sworn to or affirmed and subscribed before me this 21st day of APRIL, 2018 by INV. J. SCHAEFER

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

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



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APR 22 2018

TESTING FACILITY TASK REPORT

AGENCY: PB00
SUBJECT: Katz, Brian M CASE NUMBER: 18-063177
DATE: 04/21/18 VIDEO TAPE NUMBER: N/A
BEGINNING TIME: 22:03 ENDING TIME: 22:11
BREATH TESTS RESULTS: 1) R TIME 22:10 A.M./P.M. (P.M.) 2) N/A TIME — A.M./P.M.
3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.

BREATH OPERATOR: K. Mounihan #90079
MAINTENANCE TECHNICIAN: J. Kurlecke #101167

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred
ATTITUDE: Calm, Quiet, Timid, Cooperative
CLOTHING: Blue Jeans, white shirt, brown flip flops
MEDICAL CONDITIONS: None
MEDICATIONS: None
OTHER: Eyes glassy, mild blood shot.

COMMENTS: Arrived at Testing Center, A10 began 90 minute observation period at 21:42 hrs.

REFUSED

Δ refused to take test.

No road TIS

Δ stated he understood I/C and again Refused to take test

No road Rights.

Δ stated he understood his Rights

No Q+A, Δ Invoked Rights.

REFUSED

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APR 22 2018

SUBJECT: Kutz, Brian M CASE NUMBER: 15-005477

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 detecting the presence of chemical or controlled substances.
-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting 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 _____ of the _____

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.

SUBJECT'S SIGNATURE: (X) Read 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 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.

**SCANNED
APR 22 2018**

SUSPECT'S SIGNATURE: (X) Read on Camera

SUBJECT: Katz, Brian M CASE NUMBER: 18-065477

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? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

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 HOURS? _____

HOW MUCH DO YOU WEIGH? _____ 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 THE 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? _____ WHY? _____

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 CORRECTED 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: _____

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APR 22 2018

SUBJECT: **KATZ, BRIAN, MATTHEW**

CASE NUMBER: 18-065477

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-OR-

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-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting 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 INV. J. SCHAEFER of the PALM BEACH COUNTY SHERIFF'S OFFICE

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.

SUBJECT'S SIGNATURE: READ ON VIDEO KATZ, BRIAN, MATTHEW

CONSTITUTIONAL WARNINGS

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You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.

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If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.

I can make no threats or promises to induce you to make a statement. This must be of your own free will.

Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: READ ON VIDEO KATZ, BRIAN, MATTHEW

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APR 22 2018

WITNESS LIST

CASE NUMBER: 18-065477

ARRESTING OFFICER: INV. J. SCHAEFER

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

PHONE NUMBERS (HOME): _____ (WORK) (561) 688-4001

CAN TESTIFY TO: SEE DUI PROBABLE CAUSE AFFIDAVIT & OFFENSE REPORT

NAME: D/S DANIEL MERCIER #8236 (DISTRICT 8)

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

PHONE NUMBERS (HOME) _____ (WORK) (561) 688-3000

CAN TESTIFY TO: SEE SUPPLEMENTAL PROBABLE CAUSE AFFIDAVIT

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) 0 (WORK) 0

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

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ADDRESS _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NOT A CERTIFIED COPY

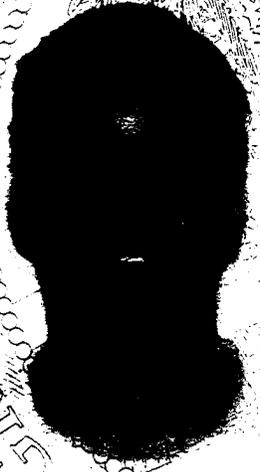
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APR 22 2018

Florida

DRIVER LICENSE



USA



Brian Matthew Katz

K320-073-81-011-0

9 CLASS **E**

1 **KATZ**
2 **BRIAN MATTHEW**
3 **1887 CORSICA DR**
4 **WELLINGTON FL 33414-1069**

7 DOB **01/11/1981** 15 SEX **M**
16 EXP **01/11/2020** 16 HGT **5'-10"**
12 REST **NONE** 9a END **NONE**

4a ISS **01/11/2012**

5 DD **X631804030983**

REPLACED **04/03/2018**

Operation of a motor vehicle constitutes consent to any sobriety test required by law.



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