



PROBABLE CAUSE AFFIDAVIT

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

1

JUVENILE

OBTS Number	Agency ORI Number <b>FL 0501700</b>		Agency Name <b>JUPITER POLICE DEPARTMENT</b>	Agency Report Number <b>5 4 19-005836</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		

Name (Last, First, Middle) <b>MCCULLOUGH, CASEY C</b>	Alias	Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>01/16/1984</b>
Charge Description <b>DUI ENHANCED (OVER .15) 316.193(4)</b>	Charge Description	Charge Description	Charge Description	Charge Description

Victim's Name (Last, First, Middle) <b>State Of Florida</b>	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	

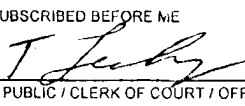
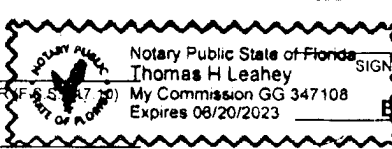
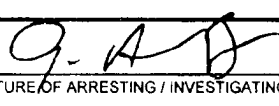
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.  
 The Person taken into custody...  
 committed the below acts in my presence.  was observed by \_\_\_\_\_ who told \_\_\_\_\_ 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 29 day of December, 2019 at 02:38 (Specifically include facts constituting cause for arrest.)

On the above date at approximately 0238 hours I was on routine patrol in the area of South US Highway One and East Indiantown Road in the Town of Jupiter, Palm Beach County, Florida.

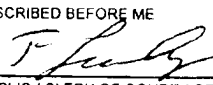
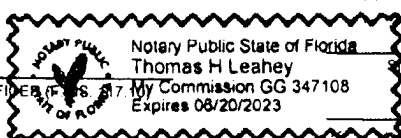

I was traveling north on South US Highway One and about to turn left to go west on East Indiantown Road. I was in the right hand left turn lane. I observed a 2004 Jeep bearing Florida license plate IC17CU directly in front of me. When the turn arrow turned to green, the Jeep made an extremely wide left hand turn, nearly striking a pedestrian island curb before swinging into the far right hand lane. As the vehicle traveled west, it was swerving noticeably. The vehicle crossed over the lines separating the bicycle lane from the roadway with its passenger side tires several times. Though it was late at night, there are often cyclists using the bicycle lanes in this area during all hours of the night. As the vehicle crossed Alternate A1A, I initiated a traffic stop by activating my lights and sirens. The vehicle took several seconds longer than usual, stopping in the 300 block of West Indiantown Road.

I walked to the driver's side door and spoke to the sole occupant / registered owner Casey McCullough. McCullough had glassy eyes. I could smell an odor of an unknown alcoholic beverage on McCullough's breath. McCullough's speech appeared to be slurred. I asked McCullough for his driver's license, registration and proof of insurance. McCullough handed me his driver's license then stared at me for several seconds. I had to ask McCullough for his registration and insurance again. McCullough provided me with his registration but was unable to locate his insurance. McCullough stated when asked he'd had two beers. As I walked back to my vehicle, Officer Tappin, who was acting as my backup, got my attention and pointed out a can of Budweiser beer that was still spilling liquid on its side on the rear passenger floorboard. I later found the can to be cold with condensation and what smelled like beer in the bottom. The floorboard was also wet in the area the mouth of the can had been.

SWORN AND SUBSCRIBED BEFORE ME		
NOTARY PUBLIC / CLERK OF COURT / OFFICER	Notary Public State of Florida Thomas H. Leahey My Commission GG 347108 Expires 08/20/2023	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER <b>BORROWS, ANDREW (1138)</b> NAME OF OFFICER (PLEASE PRINT)
12/29/2019 DATE	12/29/2019 DATE	PAGE 1 of 3

OBTs Number  Agency ORI Number <b>FL 0501700</b>	<b>PROBABLE CAUSE AFFIDAVIT SUPPLEMENT</b>	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	<b>1</b>	JUVENILE	
Agency Name <b>JUPITER POLICE DEPARTMENT</b>	Agency Report Number <b>5   4   19-005836</b>				
Charge Type: Check as many as apply <input type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other			Special Notes		
Name (Last, First, Middle) <b>MCCULLOUGH, CASEY C</b>		Alias	Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>01/16/1984</b>
<p>I conducted my routine computer checks and then selected a nearby parking space to conduct roadside tasks. I then asked McCullough to exit his vehicle. McCullough did so and walked to the front of my vehicle. McCullough enthusiastically agreed to complete roadside tasks. I first conducted the Horizontal Gaze Nystagmus task. I am a certified Drug Recognition Expert and conducted the task in a manner consistent with my training. I observed McCullough had Lack of Smooth Pursuit, Distinct and Sustained Nystagmus at Maximum Deviation and Onset of Nystagmus prior to 45 degrees.</p> <p>I then conducted the Walk and Turn task. McCullough lost his balance in the starting position twice. McCullough stepped off the line to his left on the first step. McCullough stepped off the line to his left on the ninth step. McCullough did not keep his arms to the side but grabbed his hands behind his back as he walked.</p> <p>I next conducted the One Leg Stand task. McCullough started the task and started counting incorrectly. McCullough was counting conventionally rather than "1000-1, 1000-2, etc.," as he was instructed him to do. McCullough was swaying during the task and put his foot down on "9" and stopped. I asked McCullough to continue. He picked his foot up and counted from "10." I noticed McCullough was staring at me and not looking at his foot. I asked McCullough to look at his foot. McCullough placed his foot down and wanted to clarify the instructions. McCullough asked to start over, and I agreed. On the second attempt, I noticed McCullough was not looking at his foot but was looking at the ground a couple of feet in front of him, but I did not intervene at that time. McCullough still did not count as instructed, in spite of being reminded of this particular instruction a second time. On "15" McCullough used his arms for balance and hopped. McCullough did the same on "17" and "20". McCullough was swaying visibly several times during his second attempt.</p> <p>I then conducted Finger to Nose. I observed the following: L1: McCullough used the pad of his finger to touch the tip of his nose. R2: McCullough used the pad of his finger to touch just under the tip of his nose. L3: McCullough used the pad of his finger to touch the tip of his nose. R4: McCullough used the pad of his finger to touch just under the tip of his nose. R5: McCullough used the pad of his finger to touch just under the tip of his nose. L6: McCullough used the pad of his finger to touch the tip of his nose.</p> <p>I then conducted the Romberg / Alphabet Resuscitation. McCullough stated the alphabet correctly. McCullough was swaying during the task.</p> <p>I then placed McCullough under arrest for DUI and advised him. I secured McCullough in handcuffs which I checked for spacing and double locked. I then secured McCullough in the rear of my patrol vehicle. I searched McCullough's car and examined the can of beer on the rear floorboard. I then transported McCullough to the Jupiter Police Department</p>					
SWORN AND SUBSCRIBED BEFORE ME <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">             NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 47.01)  <b>12/29/2019</b>            DATE         </div> <div style="text-align: center;">  </div> <div style="text-align: center;">             SIGNATURE OF ARRESTING / INVESTIGATING OFFICER  <b>BORROWS, ANDREW (1138)</b>            NAME OF OFFICER (PLEASE PRINT)  <b>12/29/2019</b>            DATE         </div> </div>					
					PAGE <b>2 OF 3</b>

RECEIVED  
 DEC 30 2019

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<p>so I could drop off some paperwork and dock my issued body worn camera. I then transported McCullough to the Palm Beach County Breath Alcohol Testing Facility. During transport, McCullough became increasingly insulting towards me. Once at the Breath Alcohol Testing Facility, I conducted a 20 minute observation period to make sure McCullough didn't regurgitate or take anything by mouth while physically facing him. I then requested McCullough provide a sample of his breath. McCullough stared at me for several seconds before saying "I do." McCullough then provided two samples of .179 and .163. I read McCullough his Miranda Rights. I then secured McCullough in a holding cell while I completed my paperwork. I subsequently booked McCullough into the Palm Beach County Jail where I charged him with DUI (enhanced over .15) per FSS 316.193(4).</p> <p>My on scene investigation was captured on my issued body worn camera. My dash camera was later uploaded to evidence.com for use in this case.</p>						
NOT A CERTIFIED COPY						
SWORN AND SUBSCRIBED BEFORE ME  NOTARY PUBLIC / CLERK OF COURT / OFFICER OF THE STATE OF FLORIDA 12/29/2019 DATE			 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER <b>BORROWS, ANDREW (1138)</b> NAME OF OFFICER (PLEASE PRINT) 12/29/2019 DATE			
					PAGE <b>3 OF 3</b>	

DEC 30 2019

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: 12/29/2019

Date of Last Agency Inspection: 12/06/2019  
Observation Period Began: 03:40  
Subject's Name: CASEY C MCCULLOUGH

DOB: 01/16/1984 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	04:07
	Air Blank	0.000	04:08
	Control Test	0.090	04:08
	Air Blank	0.000	04:09
	Subject Sample #1	0.179	04:10
	Air Blank	0.000	04:11
	Air Blank	0.000	04:13
	Subject Sample #2	0.163	04:14
	Air Blank	0.000	04:15
	Control Test	0.078	04:15
	Air Blank	0.000	04:16
	Diagnostics Check	OK	04:16

Cylinder Lot: 17919080A1  
Exp: 08/05/2021

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 THOMAS H. LEANEY, 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: [Signature] Date: 12/29/19  
Signature

Sworn to (or affirmed) before me this 29<sup>th</sup> day of December, 2019

Signature of Notary Public-State of Florida: [Signature] Printed Name of Notary Public-State of Florida: Of A Barrons #380 JPD

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 3.6.1934(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.



PALM BEACH COUNTY SHERIFF'S OFFICE  
 DUI TESTING FACILITY  
 INFORMATION SHEET

PBSO CASE # 19-153542 PBSO ZONE 3-11

AGENCY CASE # 19-005836 CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 0238 DATE 12/29/2019 DAY Sunday

SUBJECT'S NAME McCullough Casey C RACE W SEX M  
LAST FIRST MID

HGT 600 WGT 155 DOB 01/16/1984

LOCATION East Indiantown Road / Alternate A1A

ARRESTING OFFICER'S NAME & ID Ofc. A. Borrows 380 / 1138 AGENCY Jupiter Police Department

DIVISION: Traffic

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 0340

ARREST TIME 0302

BREATH RESULTS:

- 1) .179
- 2) .163
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

TESTING OFFICER'S ID #19183 PBSO VIDEOTAPE # N/A

NOT A CERTIFIED COPY

# TESTING FACILITY TASK REPORT

AGENCY: JTD  
SUBJECT: M. C. Hugh Casey C CASE NUMBER: 19-153542  
DATE: 12/29/19 VIDEO TAPE NUMBER: N/A  
BEGINNING TIME: 04:04 ENDING TIME: 04:12  
BREATH TESTS RESULTS: 1) .179 TIME 04:10 A.M./P.M.  2) .163 TIME 04:14 A.M./P.M.   
3) N/A TIME --- A.M./P.M. 4) N/A TIME --- A.M./P.M.

BREATH OPERATOR: T Leahy # 11143

MAINTENANCE TECHNICIAN: J Pascoe # 01167

## TESTING OFFICER'S OBSERVATIONS

SPEECH: not clear, slurred, slow

ATTITUDE: agitated

CLOTHING: grey shirt, blue pants, white socks, white shoes

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER: eyes blurry, blurred vision, slurred speech, unsteady gait, unsteady breath

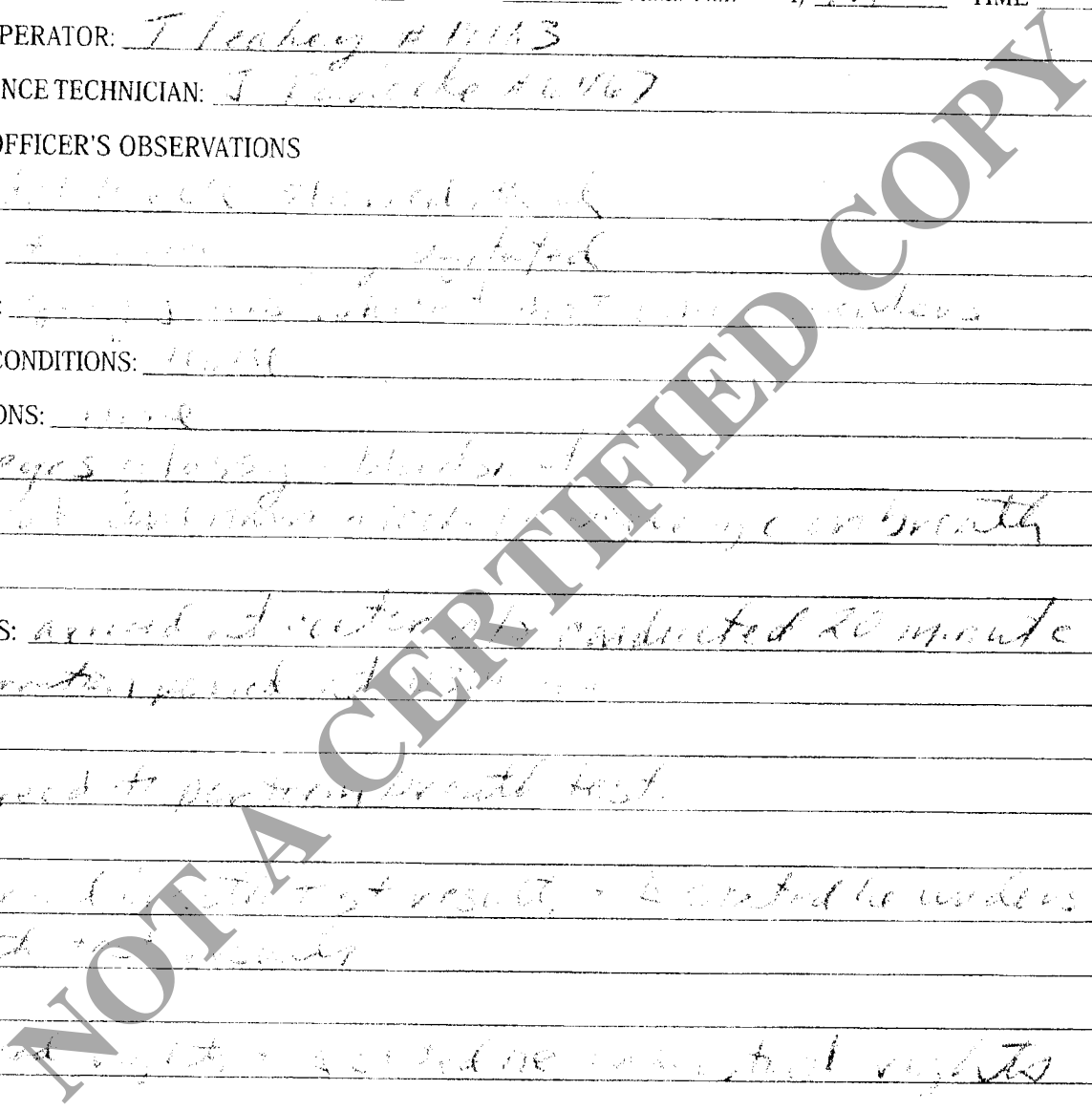
COMMENTS: arrived at center, conducted 20 minute observation period at 04:00

I agreed to perform breath test.

To be noted, after test results, I stated he was very kind, breath test results

All test results, I stated he was very kind, breath test results

He did not conduct CTA



# WITNESS LIST

CASE NUMBER: 19-005836

ARRESTING OFFICER: Ofc. A. Borrows 380 / 1138

ADDRESS: 210 Military Trail, Jupiter Fl 33458

PHONE NUMBERS (HOME): \_\_\_\_\_ (WORK) 561 746 6201

CAN TESTIFY TO: PC

NAME: Officer Kevin Tappin

ADDRESS: 210 Military Trail, Jupiter Fl 33458

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) 561 746 6201

CAN TESTIFY TO: Scene

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 \_\_\_\_\_

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PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NOT A CERTIFIED COPY

SEARCHED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_  
INDEXED \_\_\_\_\_  
FILED \_\_\_\_\_  
MAY 15 2019  
FBI - JUPITER

SUBJECT: Mr. Wayne Kelly C CASE NUMBER: 19-05236

## 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) \_\_\_\_\_

## 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) Richard ...



**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	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i) (i), (2)(a), (e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2019041223	Date: 12/30/2019
	Specialist Name/ID: AM/31562

12/30/2019