

#0425877

17CT 3697

ARREST / NOTICE TO APPEAR

| | | | | | | | | | | | | |
|------------------|---|--|---|--|---|--|---|--|---|--|---|--|
| ADMINISTRATOR | OBTS Number | | Agency ORI Number 0500800 | | Agency Name West Palm Beach Police Department | | Agency Report Number (N.T.A.'s only) 9 4 2017-0003857 | | 1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias 1 | | JUVENILE | |
| | Charge Type: Check as many as apply: <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input checked="" type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other | | Location of Arrest (Including Name of Business) BRANDYWINE RD/N ROBBINS DR WPB | | Location of Offense (Business Name, Address) 999 BRANDYWINE RD/N ROBBINS DR, WEST PALM BEACH, | | If Weapon Seized Enter Type | | Multiple Clearance Indicator | | | |
| DEFENDANT | Date of Arrest 02/25/2017 | | Time of Arrest 05:36 | | Booking Date | | Booking Time | | Jail Date | | Jail Time | |
| | Name (Last, First, Middle) GUTHRIE, CHARLES CURTIS | | Alias: Alias (Name, DOB, Soc. Sec. #, Etc.) | | Race W - White B - Black O - Oriental/Asian W | | Sex M | | Date of Birth 12/19/1981 | | Height 5'07 | |
| DEFENDANT | Weight 210 | | Eye Color BLUE | | Hair Color BROWN | | Complexion MEDIUM | | Build M | | Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) | |
| | Local Address (Street, Apt. Number) 16931 W TRAFALGAR DR, LOXAHATCHEE, FL 33470 | | Marital Status D | | Religion UNKNOWN | | Indication of: Alcohol Influence Drug Influence Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk <input type="checkbox"/> | | Residence Type: 1. City 2. County 3. Florida 4. Out of State 2 | | Address Source FL DL | |
| DEFENDANT | Permanent Address (Street, Apt. Number) 16931 W TRAFALGAR DR, LOXAHATCHEE, FL 33470 | | Phone (000) 000-0000 | | Business Address (Name, Street) 16931 W TRAFALGAR DR, LOXAHATCHEE, FL 33470 | | Phone (000) 000-0000 | | Occupation Landscape | | | |
| | D/L Number, State G360143814590 / FL | | Soc. Sec. Number | | DNS Number | | Place of Birth (City, State) WEST PALM BEACH, FL | | Citizenship US | | | |
| CO-DEFENDANT | 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 | <input type="checkbox"/> Parent <input type="checkbox"/> Other: _____ Name (Last, First, Middle) | | Address (Street, Apt. Number) | | (City) | | (State) | | (Zip) | | Residence Phone | |
| | <input type="checkbox"/> Legal Custodian | | Address (Street, Apt. Number) | | (City) | | (State) | | (Zip) | | Business Phone | |
| JUVENILE | Notified by: (Name) | | Date | | Time | | JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated | | | | | |
| | Released To: (Name) | | Relationship | | Date | | Time | | | | | |
| JUVENILE | 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 355-2526) informed of any change of address. | | School Attended | | Grade | | Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Description of Property | | Value of Property | |
| | <input type="checkbox"/> Yes, by: _____ <input type="checkbox"/> No: _____ | | Drug Activity N. N/A P. Possess | | S. Sell B. Buy T. Traffic | | R. Smuggle D. Deliver E. Use | | K. Disperse/ Distribute | | M. Manufacture/ Produce/ Cultivate | |
| CHARGE | Charge Description DRIVING WHILE UNDER INFLUENCE | | Statute Violation Number 316.193(1) | | Violation of ORD # | | Drug Type N. N/A A. Amphetamine | | B. Barbiturate C. Cocaine E. Heroin | | H. Hallucinogen M. Marijuana O. Opium/deriv. | |
| | Drug Activity N | | Drug Type / | | Amount - Unit / | | Offense # 2017-0003857 | | Counts 1 | | Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | |
| CHARGE | Charge Description | | Statute Violation Number | | Violation of ORD # | | Drug Activity | | Drug Type | | Amount - Unit | |
| | Drug Activity | | Drug Type | | Amount - Unit | | Offense # | | Counts | | Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N | |
| CHARGE | Charge Description | | Statute Violation Number | | Violation of ORD # | | Drug Activity | | Drug Type | | Amount - Unit | |
| | Drug Activity | | Drug Type | | Amount - Unit | | Offense # | | Counts | | Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N | |
| IN TAKE | Health / Apparent Physical Condition of Defendant | | Any knowledge of the following: Explain: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries | | PROPERTY - Received By | | Released By | | Released To | | | |
| | Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> T.O.T. County Jail <input type="checkbox"/> Posted Bond <input type="checkbox"/> South County Mental Health | | Transported By | | Date Transported | | Time Transported | | Other | | | |
| NOTICE TO APPEAR | <input checked="" 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 instructions on Page 2. | | Location (Court, Room) Criminal Justice CRIMINAL JUSTICE COMPLEX | | Court Date and Time 03/30/2017 08:30:00 | | 3228 GUN CLUB ROAD | | No Photo Available | | | |
| | 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) [Signature] | | Date Signed 2/25/17 | | Name Verification (Printed) SCANNED | | (PRINT) MAR 01 2017 | | PAGE 1 OF 1 | |
| ADMIN | HOLD for Other Agency | | Signature of Arresting Officer [Signature] | | Name of Arresting Officer (Print) DILLARD, DANIEL | | ID # 01843 | | Transporting Officer D. ORUW | | ID # 1443 | |
| | <input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other | | Intake Deputy [Signature] | | Intake # 1213 | | Intake # 1213 | | Intake # 1213 | | Intake # 1213 | |

FEB 25 AM 8:25

DUI PROBABLE CAUSE AFFIDAVIT

On the 25th Day of February, 2017 at 0445 HRS A.M. P.M.
Subject: Guthrie, Charles Case Number: 2017-0003857
Agency: West Palm Beach Police Department Arresting Officer: Inv. D. Dillard #1843

Personal Contact

Driving Pattern

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

I responded to the area of Brandywine Rd. and Robbins Dr. in reference to a person passed out behind the wheel of a vehicle. Upon arrival I observed a beige GMC truck facing North across the North swale of Brandywine Rd. blocking the sidewalk. Upon arrival I observed the driver sleeping in the driver seat. The driver side window was down, the vehicle's ignition was on, and the shifter was in drive. The driver who was the sole occupant of the vehicle was identified as Charles Guthrie by FL DL.

Observation of Driver

Upon arrival I walked up to the vehicle and observed the ignition on and the shifter was in drive. The driver window was down and I could smell the strong and distinct odor of an unknown alcoholic beverage emitting from the inside of the vehicle. The driver appeared to be sleeping with his head tilted back. The driver woke up to the sound of the officers voices. Upon opening his eyes they appeared bloodshot and glassy. The drivers speech was slurred and the odor of alcohol became stronger off of his breath as he spoke to me. Ofc. Streigold ask the driver to put the vehicle in Park which he complied. The driver also removed the keys from the ignition. The drivers movements were lethargic.

Drivers Statements:

The driver stated he was waiting for a friend and stated he was in Boynton. The driver stated he had no idea how he got where he was. The driver stated he was going home. The driver stated he was at Twin Peaks and Renegades and stated he had 2 beers. He stated he knew he should not be driving but a DUI would mess up his life. The driver contemplated performing the roadside tasks but then consented to them.

Odors:

Strong and distinct odor of an unknown alcoholic beverage.

General Observations

Speech: mumbled and slurred

Attitude: calm and passive

Clothing: White Shirt/Blue Jeans

Medical Problems/Medications: None

Other: The driver stated he did not have any physical defects or injuries. The driver stated he did not take any drugs. The driver stated he was not diabetic or epileptic.

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DUI PROBABLE CAUSE AFFIDAVIT

Subject:

Guthrie, Charles

Case Number: 2017-0003857

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 checked="" type="checkbox"/> Left Eye Jerks at 45 Degree Angle or Less | <input checked="" type="checkbox"/> Right Eye Jerks at 45 Degree Angle or Less |
| <input checked="" type="checkbox"/> Distinct Jerking Left Eye at Maximum Deviation | <input checked="" type="checkbox"/> Distinct Jerking Right Eye at Maximum Deviation |

While performing this exercise I observed equal pupil size and equal tracking. Lack of smooth pursuit was present. Sustained and distinct Nystagmus at maximum deviation was present. Angle of onset was present and approximately 30 degrees.

Walk and Turn Task

I instructed the driver to stand with his right foot in front of his left on a solid white line with his hands down by his side. The driver was instructed not to move or begin until told to do so. The driver stepped out of this position twice. I explained and demonstrated the exercise and the driver stated he understood the instructions. The driver took 9 steps missing heel to toe on step 1 and pausing. The driver stepped off of the line on steps 4 and 9. The driver did not turn as instructed, turning the opposite direction and pivoted. The driver took 8 steps back counting the starting position as step 1. The driver stepped off of the line on step 3. The driver did not count out loud as instructed. The driver asked if he could perform the exercise again. The driver took 9 steps. The driver did not complete the turn as instructed, turning the opposite direction and pivoting. The driver took 9 steps back. On all steps in both attempts the driver missed heel to toe then slid his heel back to the toe.

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 left foot approx. 3" from the ground bending his leg at the knee. The driver was observed hopping. The driver counted to 20 and not in the fashion as instructed. The driver asked if he could perform the exercise again. The driver lifted his left leg again this time in the manner I instructed. The driver did not look down at the foot raised and instead stared at the ground. The driver counted to 2 and not in the fashion as instructed.

Finger To Nose

I had the driver stand with his feet together and index fingers pointed straight out. I explained and demonstrated the exercise to the driver and he stated he understood. I instructed the driver to tilt his head back and close his eyes. On each left and right the driver brought the respective finger to his nose. The driver was observed swaying from front to back.

Romberg Alphabet

The driver stated his highest level of education was obtaining a GED. He stated he did know the English alphabet and could recite it from A to Z in completion. I had the driver stand with his eyes closed and head tilted back. When told to begin the driver recited the alphabet correctly. The driver was observed swaying from front to back.

Breath Results from Instrument

1st Result

Refused

2nd Result

Refused

3rd Result

If Applicable

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State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this

2/25/17

(DATE)

☒ Personally Known

JAMES G. BIGGS Produce Identification

☐ Notary Public

Notary Public - State of Florida

My Comm. Expires Nov 18, 2017

Commission # FF 059684

Notary / Clerk of Court / Officer / Notary Public / Notary Assn.

Signature of Arresting Officer

SUBJECT: CHARLES GUTHRIE

CASE NUMBER: 7017-CCO 3857

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 JAN. D. O'NEILL of the MISSISSAUGA 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.

SUBJECT'S SIGNATURE: (X) CH. GUTHRIE

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.

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SUSPECT'S SIGNATURE: (X) CH. GUTHRIE

SUBJECT: CHARLES GUTHRIECASE NUMBER: 2017-0603857

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? NOWHERE WERE YOU GOING? Home with familyWHAT STREET OR HIGHWAY WERE YOU ON? noDIRECTION OF TRAVEL? N WHERE DID YOU START? ParagouldWHAT TIME DID YOU START? 1 hour from WHAT TIME IS IT NOW? 2 hours fromWHAT IS TODAY'S DATE? 2/26/17 WHAT DAY OF THE WEEK IS IT? SundayWHAT COUNTY AND CITY ARE YOU IN NOW? Wayne County / Palm Bay, FLWHEN DID YOU LAST EAT? 24 hrs ago WHAT DID YOU EAT? 1 lb chickenWHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Long car with familyHOW MUCH DO YOU WEIGH? 230 HAVE YOU BEEN DRINKING? yes WHAT? tequilaHOW MUCH? 1 tequila WHERE? Paragould / Memphis WITH WHOM? cousinWHEN DID YOU HAVE YOUR FIRST DRINK? 6pm - 8pm AND YOUR LAST DRINK? 9pmHOW DID YOU CONSUME YOUR LAST TWO DRINKS? drinking quickCAN YOU FEEL THE EFFECTS OF THE ALCOHOL? no ARE YOU UNDER THE INFLUENCE? yes but I don't knowHAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? no HOW MUCH? noWHAT? no WHERE? no WHEN? noWHAT LINE OF WORK ARE YOU IN? no work today WHEN DID YOU LAST WORK? yesterdayDO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? yes WHAT? back pain, long time with backARE YOU SICK OR INJURED? yes WHAT'S WRONG? back painDO YOU LIMP? alittle DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? noWERE YOU IN AN ACCIDENT TODAY? noHAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? no WHEN? noHAVE YOU SEEN A DOCTOR OR DENTIST TODAY? no WHO? no WHY? noARE YOU TAKING ANY PRESCRIPTION MEDICINES? no WHAT? no WHEN? no

| | | |
|--------------|--------------------|-----------|
| DO YOU HAVE: | EPILEPSY? | <u>no</u> |
| | GLASS EYE? | <u>no</u> |
| | FALSE TEETH? | <u>no</u> |
| | EAR INFECTION? | <u>no</u> |
| | INNER EAR TROUBLE? | <u>no</u> |
| | DIABETES? | <u>no</u> |

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MAR 01 2017

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? noDO YOU TAKE INSULIN? no IF SO, WHEN WAS YOUR LAST INJECTION? noHAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? no/yes WHERE? OhioINTERVIEWER: Det. D. DEUARD

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL