

#0435877

17CT 3697

## ARREST / NOTICE TO APPEAR

OBTS Number		Agency ORI Number		Agency Name		Agency Report Number (N.T.A.'s only)		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1 JUVENILE									
0500800		West Palm Beach Police Department				9 1 4 2017-0003857		If Weapon Seized Enter Type				Multiple Clearance Indicator									
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 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,															
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		Sex W - M		Date of Birth 12/19/1981		Height 5'07		Weight 210		Eye Color BLUE		Hair Color BROWN		Complexion MEDIUM							
D E F E N D A N T S C O D E F J U V E N I L E C O D E C H A R G E C H A R G E I N T A K E N O T I C E T O A P P E A R		D E F E N D A N T S C O D E F J U V E N I L E C O D E C H A R G E C H A R G E I N T A K E N O T I C E T O A P P E A R		Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)				Marital Status D		Religion UNKNOWN						Indication of Alcohol Influence Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk <input type="checkbox"/> Drug Influence Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk <input type="checkbox"/>					
Local Address (Street, Apt. Number)		(City) 16931 W TRAFALGAR DR, LOXAHATCHEE, FL 33470		(State)		(Zip)				Phone (000) 000-0000		Residence Type: 1. City 2. County 3. Florida 4. Out of State		2							
Permanent Address (Street, Apt. Number)		(City) 16931 W TRAFALGAR DR, LOXAHATCHEE, FL 33470		(State)		(Zip)				Phone (000) 000-0000		Address Source FL DL									
Business Address (Name, Street)		(City)		(State)		(Zip)				Phone		Occupation Landscape									
DL Number, State		Soc. Sec. Number		INS Number				Place of Birth (City, State)				Citizenship US									
G360143814590 / FL								WEST PALM BEACH,													
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth						Indication of Arrested At Large							
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth						Indication of Arrested At Large							
<input type="checkbox"/> Parent <input type="checkbox"/> Other: _____		Name (Last, First, Middle)												Residence Phone							
<input type="checkbox"/> Legal Custodian																					
Address (Street, Apt. Number)		(City)		(State)		(Zip)								Business Phone							
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											
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					
<input type="checkbox"/> Yes, by: <input type="checkbox"/> No:														Value of Property							
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		Z. Other		Drug Type N. N/A A. Amphetamine		B. Barbiturate C. Cocaine E. Heroin		H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetic		U. Unknown Z. Other	
Charge Description DRIVING WHILE UNDER INFLUENCE														Statute Violation Number 316.193(1)		Violation of ORD #					
Drug Activity N		Drug Type /		Amount / Unit 2017-0003857		Offense #		Counts 1		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Warrant / Capias Number				Bond					
Charge Description /														Statute Violation Number		Violation of ORD #					
Drug Activity /		Drug Type /		Amount / Unit Offense #				Counts		Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N		Warrant / Capias Number				Bond					
Charge Description /														Statute Violation Number		Violation of ORD #					
Drug Activity /		Drug Type /		Amount / Unit Offense #				Counts		Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N		Warrant / Capias Number				Bond					
Health / Apparent Physical Condition of Defendant														Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries							
Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Posted Bond		<input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> South County Mental Health		<input type="checkbox"/> T.O.T. County Jail		PROPERTY - Received By				Released By		Released To									
Transported By						Date Transported		Time Transported		Other											
<input checked="" type="checkbox"/> INSTRUCTION NO. 1 - Mandatory appearance in court						Location (Court, Room)															
<input type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.						Criminal Justice CRIMINAL JUSTICE COMPLEX															
						Court Date and Time															
						03/30/2017 08:30:00															
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 COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.																					
Signature of Defendant (or Juvenile and Parent/Custodian)																					
HOLD for Other Agency				Signature of Arresting Officer										Name Verification Printed Name							
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other		Name of Arresting Officer (Print)		ID #								(PRINT)		50					
Intake Deputy		I.D. #		Pouch #		Transporting Officer		I.D. #		Agency				MAR 01 2017		PAGE 1 OF 1					
														Witness here if subject signed with an "X".							

11:25 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.

**SCANNED**

MAR 01 2017

# 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

SCANNED

MAR 01 2017

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 Produced Identification



Notary Public

Notary / Clerk of Court, Officer Before Whom This National Notary Assn.

Signature of Arresting Officer

Page 2 of 2

**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 JUV. D. O'LEARY of the WISCONSIN STATE BIRDS.

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) Charles O'Leary

**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**

**MAR 01 2017**

SUSPECT'S SIGNATURE: (X) Charles O'Leary

# 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? no

WHERE WERE YOU GOING? home

WHAT STREET OR HIGHWAY WERE YOU ON? no

DIRECTION OF TRAVEL? N WHERE DID YOU START? Portugals

WHAT TIME DID YOU START? 1 hour ago WHAT TIME IS IT NOW? 2 hours later

WHAT IS TODAY'S DATE? 2/26/17 WHAT DAY OF THE WEEK IS IT? Sunday

WHAT COUNTY AND CITY ARE YOU IN NOW? West Palm Beach / Florida

WHEN DID YOU LAST EAT? 2 hours ago WHAT DID YOU EAT? nothing

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? lying on my back

HOW MUCH DO YOU WEIGH? 230 HAVE YOU BEEN DRINKING? yes WHAT? 1 bottle

HOW MUCH? 1 bottle WHERE? in a party WITH WHOM? friends

WHEN DID YOU HAVE YOUR FIRST DRINK? 6pm AND YOUR LAST DRINK? 9pm

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? drinking

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? no ARE YOU UNDER THE INFLUENCE? yes

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? no HOW MUCH?

WHAT? \_\_\_\_\_ WHERE? \_\_\_\_\_ WHEN? \_\_\_\_\_

WHAT LINE OF WORK ARE YOU IN? no WHEN DID YOU LAST WORK? yes

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? yes WHAT? backache, back pain

ARE YOU SICK OR INJURED? yes WHAT'S WRONG? back pain

DO YOU LIMP? yes DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? no

WERE 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? no WHAT? \_\_\_\_\_ WHEN?

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 CORRECTED BY GLASSES? no

DO YOU TAKE INSULIN? no IF SO, WHEN WAS YOUR LAST INJECTION?

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? no WHERE? Ohio

INTERVIEWER: Tom D. DeWitt

WHITE - STATE ATTY.    YELLOW - DHSMV    PINK - CENTRAL RECORDS    GOLD - JAIL

SCANNED

MAR 01 2017