

0511902 19CT-19499 1489

Arrest Report

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

Report Date / Time 10/20/2019 04:37 AM	Report Number FHP99ARR810621	Case Number/Cad Number FHPL19OFF069304 / LWRC19CAD190756	Reporting Officer Name Z. TODD
Originating Agency ORI	Occur Date Time Range 10/20/2019 04:14:33 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description ROADWAY		
Street Number SR 809	Street GUN CLUB RD	Apt/Lot/Bldg City WEST PALM BEACH	State FL	Zip Code 33415

Defendant

First Name CODY	Middle Name JOSEPH	Last Name GORDON	Suffix	Race WHITE	Sex MALE	Height 602	Weight 240	Hair BRO	Eyes BRO
MNI #	SSN	Date of Birth 10/21/1993	Age 25	Place of Birth WEST PALM BEACH FL USA	Drivers License or other ID G635110933810	State FL	ID Type E		
Address * RESIDENCE / 16887 W. STALLION DRIVE , LOXAHATCHEE, FL 33470 /									

Arrest

Arrest Date/Time 10/20/2019 4:27:42 AM	Arrest Location Type	Arrest Location Description			
Street Number SR 809	Street GUN CLUB RD	Apt/Lot/Bldg County PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33415

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	☐ No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			

Bond Set by Court

Bond Amount	☐ No Bond	OCT 20 AM 6:31
Bond Type(s)		

Probable Cause

On October 20, 2019 I was on routine patrol in my marked patrol vehicle in Palm Beach County. I was contacted by Officer C. Schalk of the Boynton Beach Police Department. He stated to me that he was enroute to his residence and observed a vehicle that was failing to maintain a single lane and almost struck another vehicle. He stated that he was currently behind the vehicle at the intersection of Military

Arrest Report

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DS Collins 7622

Todd, SCANNED
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Trail and Southern Blvd. I stated that I was at the intersection of Military Trail and Belvedere road and that I would be enroute to intercept the vehicle. Due to the potential safety hazard of the driving pattern exhibited by the driver of the vehicle Officer Schalk stated that he was going to conduct a traffic stop on the vehicle. He conducted the traffic stop on the vehicle and I arrived shortly after. On scene he stated that he observed that the driver was the sole occupant of the vehicle and that he believed the driver was impaired. I then approached the vehicle and talked to the driver. As he talked I observed that he had the odor of an unknown alcoholic beverage emitting from his breath as he talked and he had bloodshot glassy eyes. I then requested that he step out of the vehicle and stand in front of my patrol car. As he stood in front of me I observed that he had bloodshot glassy eyes, an orbital sway and the odor of an unknown alcoholic beverage was emitting from his breath as he talked. I then requested that he conduct field sobriety exercises and he agreed. The driver was later identified as Cody GORDON by his FL DL.

Horizontal Gaze Nystagmus

Before beginning the exercises, I checked to see if Mr. Gordon was wearing glasses or contact lenses. It was determined that Mr. Gordon was wearing glasses and removed them. I then checked Mr. Gordon's eyes and observed equal tracking and equal pupil size. Mr. Gordon was instructed to place his feet together and place his hands down at his side. He then was instructed to keep his head still and follow the stimulus with his eyes and his eyes only. He was also instructed to keep looking at the stimulus until told not to. Mr. Gordon verbally indicated that he understood.

- Lack of smooth pursuit, left eye
- Lack of smooth pursuit, right eye
- A distinct and sustained nystagmus at maximum deviation in the left eye
- A distinct and sustained nystagmus at maximum deviation in the right eye
- An onset of nystagmus prior to 45 degrees in the left eye
- An onset of nystagmus prior to 45 degrees in the right eye

I also observed vertical nystagmus. I observed the angle of onset to be 30°.

During the exercise Mr. Gordon had to be told to stay in the proper position and not to move his head during the exercise. I also observed Mr. Gordon to have orbital sway and glassy red eyes.

Walk and Turn Exercise

The area was level and free of debris. Mr. Gordon verbally indicated that he saw the line on the ground. Mr. Gordon was instructed to put his left foot on the line, then place his right foot on the line ahead of the left foot in a heel to toe manner. I then demonstrated this position. Mr. Gordon was instructed not to begin untold to do so. Mr. Gordon verbally indicated that he has understood all instructions up to this

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point. Mr. Gordon was then instructed to take 9 heel to toe steps on the line when told to do so. I then demonstrated this. Mr. Gordon was then instructed to turn on the ninth step and to keep the front foot on the line and to take a series of small steps with the foot on the line. I then demonstrated this for Mr. Gordon. Mr. Gordon was also instructed to keep his arms at his sides and to watch his feet during the exercise. Mr. Gordon was also instructed to count aloud and to not stop once he begins the exercise. He was also instructed to keep his arms at his sides at all times.

He was unable to maintain balance in the instructional position and started before being told to begin. He then took 9 steps forward and missed heel to toe on multiple steps and stepped off the line. He had a sway as he walked and completed the turn incorrectly by taking both feet off the line. He then stopped the exercise and reset his feet and took 9 steps back down the line. As he walked back he had a sway and missed heel to toe on several steps.

One Leg Stand Exercise

Mr. Gordon was instructed to stand with his feet together and to place his arms down at his side. Mr. Gordon was instructed to maintain that position until told to do so. Once told to do so, Mr. Gordon was instructed to raise one foot approximately 6 inches off the ground and to keep both legs straight with both arms at his side. He was also instructed to look at the elevated foot and count aloud in the manner of one thousand-one, one thousand-two and so on until told to stop. Mr. Gordon verbally indicated that he understood the instructions after I demonstrated to him.

He raised his right foot approximately 2 inches off the ground and had an orbital sway. He did not count aloud and placed his foot down during the exercise.

Finger To Nose

Mr. Gordon was instructed stand with his feet together and arms at his side and to have his index fingers pointed out. He was instructed to not start and stay in that position until told to do so. He stated that he understood. I then demonstrated the position. Mr. Gordon was then instructed to when told to start to close both eyes and tilt his head back. When told to do so he was instructed to bring the hand I directed upward, touching the tip of your finger to the tip of his nose. I then demonstrated this. He was then instructed to after touching the tip of the nose to immediately bring his hand down to his side. He stated that he understood. I then demonstrated and he stated that he understood. He was instructed to raise his hand in the following order, left, right, left, right, and right, left.

- Left: Missed. Pad
- Right: Missed. Pad
- Left: Correct.
- Right: Missed. Pad
- Right: Missed. Pad
- Left: Missed. Pad

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Modified Rhomberg Balance:

During the exercise he was instructed to stand with his feet together and hands at his side. He was told to estimate the passage of 30 seconds in His head with his eyes closed and head tilted back. He was instructed that when he was done estimating to open his eyes and say "Stop."

He began the exercise and immediately I observed that he had a 3-inch sway back to front and side to side. I observed that he had eyelid tremors. Gordon ended the test after 59 seconds. He stated that he counted backwards from 30 to 0.

He was then placed under arrest for DUI and secured inside of my patrol car. He was then transported to the county jail. Once I arrived at the testing facility I conducted a 20-minute observation. At no time did he regurgitate or take anything by mouth. I then requested that he provide a lawful sample of his breath and he agreed. He provided a sample of .203 and .194. He was then booked into the Palm Beach County Jail.

The above incident occurred in Palm Beach County.

Jail Bookin Facility

Booking Date/Time 0.0000	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
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Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Number

Booking Comments

Court

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Apperance Date / Time 11/18/2019 830 AM	Court Fine
Comments			

Officer Name Rank / ID # Z. TODD TROOPER 4141	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPL1LWRC1PALM BEACH1SR804 JSOF SR702
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The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name Z. TODD	Office Rank TROOPER	Officer ID No 4141	Sworn and subscribed before me, the undersigned authority This the <u>20</u> day of <u>October</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			 JOSHUA BELL MY COMMISSION #GG348008 EXPIRES: JUN 18, 2023 Bonded through 1st State Insurance
Officer Signature 			

NOT A CERTIFIED COPY

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: 80-006238 Software: 8100.27
Date of Test: 10/20/2019

Date of Last Agency Inspection: 10/18/2019

Observation Period Began: 05:00

Subject's Name: CODY JOSEPH GORDON

DOB: 10/21/1993 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	05:23
	Air Blank	0.000	05:24
	Control Test	0.080	05:24
	Air Blank	0.000	05:25
	Subject Sample #1	0.203	05:25
	Air Blank	0.000	05:26
	Air Blank	0.000	05:28
	Subject Sample #2	0.194	05:28
	Air Blank	0.000	05:29
	Control Test	0.079	05:29
	Air Blank	0.000	05:30
	Diagnostics Check	OK	05:30

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 SAMANTHA M PALMER, 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: 10/20/19

Sworn to (or affirmed) before me this 20 day of Oct, 2019

Signature of Notary Public-State of Florida

Printed Name of Notary Public-State of Florida

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 316.1934(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 322.2515, F.S.

TESTING FACILITY TASK REPORT

AGENCY: FHP/TODD

SUBJECT: GORDON, CODY

CASE NUMBER: 19-128161

DATE: Oct 20, 2019

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0521

ENDING TIME: 0531

BREATH TESTS RESULTS: 1) .203 TIME 0525 A.M. ☒ P.M. ☐ 2) .194 TIME 0528 A.M. ☒ P.M. ☐
3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICIAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: CLEAR, SLOW

ATTITUDE: CALM, QUIET, COOPERATIVE

CLOTHING: BLUE SHIRT, TAN PANTS, BLACK SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: GLASSY AND BLOODSHOT, ODOR OF UNKNOWN ALCOHOLIC BEVERAGES COMING FROM BREATH,

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0500
SUBJECT AGREED TO TAKE BREATH TEST
AND PROVIDED TWO ADEQUATE SAMPLES SUCCESSFULLY
A/O READ RIGHTS
SUBJECT STATED HE UNDERSTOOD HIS RIGHTS
TECH READ TEST RESULTS
A/O DID NOT CONDUCT Q&A

SCANNED
OCT 21 2019



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

PBSO CASE # 19-128161 PBSO ZONE 1-13
AGENCY CASE # F4PL19OFF069304 CRASH CASE # N/A
TIME OF STOP/CRASH 0414 DATE 10/20/19 DAY SAN
SUBJECT'S NAME CODY GORDON RACE W SEX M
HGT 6'02 WGT 240 DOB 10/21/1993
LOCATION Gun club / military TRAIL
ARRESTING OFFICER'S NAME & ID TODD 4141 AGENCY FHP - L
DIVISION: DUI NOTIFIED BY COMMO Y
ARRIVAL AT FACILITY 0600
Arrest Time 0427
BREATH RESULTS:
1. .203
2. .194
3. N/A
4. N/A
TESTING OFFICER'S ID 29520 PBSO VIDEOTAPE # N/A

SCANNED
OCT 21 2019

SUBJECT: Gordon, Cody CASE NUMBER: FHPL19OFF069304

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: Trooper Todd #4141

SCANNED
OCT 21 2019

SUBJECT: Gordon, Cody CASE NUMBER: FHPL190FF069304

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) Lead on Camera **SCANNED**



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

REVIEW COMPLETED BY

Booking Number: 2019034114

Date: 10/21/2019

Specialist Name/ID: AM/31562

SCANNED
OCT 21 2019