



FLORIDA HIGHWAY PATROL

0495198

3437

REPORT NUMBER
FHP99ARR130159

inct 20354

ARREST REPORT

Report Date / Time 11/09/2017 01:10 AM	Agency Case/Offense Number FHPL17OFF092605	OCA Number	Original Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD207158
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LOCATION OF OCCURRENCE

County PALM BEACH	Address I-95 NB ENT RAMP/YAMATO RD , BOCA RATON, FL 33487	
Range of Occurrence Date/Time 11/08/2017 09:29 PM to 11/08/2017 09:29 PM	Latitude N 26 23.6718	Longitude W 80 5.6004

PERSON: SUSPECT

First Name CURT	Middle Name ELLIS	Last Name ELDER	Suffix	Date of Birth 11/18/1983	Age 33	Race W	Sex M	Height 507	Weight 155	Hair BLN	Eyes GRN
Master Name Index Number	Place of Birth PASON, UTAH	Nation USA	SSN	Driver's License or Other ID E436105834180	State FL	Class or Type					
Address 1690 RENASNC CMNS BLVD #1207	City BOYNTON BEACH	County PALM BEACH	State FL	Zip Code 33426	Phone						

CHARGES

Counts 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH			
Charge Degree	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00

DUI ALCOHOL OR DRUGS

PROBABLE CAUSE

On the above date and time, I was in service in Palm Beach County, FL. I was dispatched to a motor vehicle crash located on northbound Interstate 95 (State Road 9) entrance ramp from Yamato Road (State Road 794). Upon my arrival, I observed a blue Buick sedan with heavy front end damage, and a gray Honda sport utility vehicle with rear end damage. I made contact with the driver of the Buick sedan who was later identified as Curt Elder. While speaking with Mr. Elder about the events of the crash, I observed the smell an unknown alcoholic beverage emitting from his mouth are. His eyes were glassy. His face was pale and flushed. After speaking with Mr. Elder, I proceeded back to my marked patrol vehicle, and conducted my crash investigation. I exited my marked patrol vehicle, and advised Mr. Elder that I was done conducting my crash investigation and was now conducting a criminal investigation in reference to him being possibly impaired to which he stated he understood. I read Mr. Elder his Miranda rights to which he stated he understood. I asked him if he would be willing to do roadside exercises to which he stated yes. I proceeded back to my marked patrol vehicle, and prepared an area to conduct roadside exercises.

Horizontal Gaze Nystagmus:

Prior to beginning the exercise, it was determined the subject was not wearing contacts or corrective lenses at the time. The subject's eyes displayed equal tracking and his pupils were equal sizes. The subject was instructed to follow the stimulus with his eyes only, keeping his head still. After stating he understood the instructions, the subject started the exercise.

The results of this exercise displayed 6 of the 6 possible clues.

- A lack of Smooth Pursuit in his left eye.
- A lack of Smooth Pursuit in his right eye.
- A distinct and sustained nystagmus in the left eye at maximum deviation.
- A distinct and sustained nystagmus in the right eye at maximum deviation.
- An onset of nystagmus in the left eye prior to 45 degrees.
- An onset of nystagmus in the right eye prior to 45 degrees.

Walk and Turn:

The subject was instructed to put his left foot on the line and his right foot in front of it with his right heel touching the toe of his left foot. He was instructed to stand in this manner with his hands to his sides until the instructions were completed and demonstrated. The subject was instructed not to begin until told to start. He was instructed to take nine steps along the line in a heel-to-toe manner. After the ninth step, he was advised to stop and turn around keeping his pivot foot on the ground, taking several small steps with the other foot to turn around. After turning around, he was to take nine steps in a heel-to-toe manner back along the line, in the direction he had come from. The subject was further instructed to watch his feet at all times while walking, keeping his arms down to his side, and to count his steps out loud. After the exercise was demonstrated, the subject stated he understood the instructions and was instructed to begin the exercise.

After attempting the Walk and Turn, the subject displayed 6 of 8 possible clues.

Walk and Turn observations:

The subject failed to stay in the starting position. The subject started before told to do so. On the first set of steps, the subject stepped off the line on step 4. The subject failed to make a proper turn. On the first and second set of steps, the subject failed to touch in a heel to toe manner. The subject used his arms to balance himself. On the second set of steps, the subject stepped off the line steps 2,4, and 5.

One Leg Stand:

Prior to attempting this exercise, the subject indicated he did not have any medical problems that would have prevented him from performing the test. The subject was instructed to stand with his heels together and hands down to his sides while the instructions were given during the exercise. The subject was instructed not to begin until told to do so. The subject was advised to raise the foot of his choice off the ground approximately 6 inches keeping his foot parallel with the ground. While his leg was raised, the subject was advised to keep his leg straight, watch his raised foot, and to count out loud by thousands (one thousand one, one thousand two, one thousand three...) and to continue until told to stop (25 seconds). After the exercise was demonstrated, the subject was advised if he understood the instructions to which he replied yes. I advised the subject if he didn't have any questions, he may begin the exercise. When the subject attempted this exercise, he raised his left foot. During the exercise, the subject displayed 3 of the 4 possible clues. The subject used arms to balance himself. The subject swayed while performing the exercise. The subject put his foot down several times. The subject was told to stop due to his safety.

Finger to Nose:

SCANNED

ARREST REPORT

Cpl H.V. Neal / 7206

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2017 NOV 9 9 AM 8:00
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 01-08-2018 BY 60322 UCBAW/STP

Report Date / Time 11/09/2017 01:10 AM	Agency Case/Offense Number FHPL17OFF092605	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD207158
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The subject was asked to stand with his feet together and his hands at his sides with his index fingers pointed. The subject was advised to not start until told to do so which he replied he understood. The subject was advised to close both his eyes and tilt his head back. I advised the subject when I tell you to, bring the hand I direct upward touching the tip of your finger to the tip of your nose. After demonstrating the instructions, I advised the subject if he understood the instructions, to which he replied yes. The exercise was conducted in the following manner of left, right, left, right, right, left. The subject failed to touch the tip of his finger to the tip of his nose on each attempt.

Passage of 30 seconds:

The subject was asked to stand with his feet together and his hands down at his sides. The subject was advised to not start until told to do so. I advised the subject when I tell you to, tilt you head back, close your eyes, and count the passage of the 30 seconds to yourself. I advised the subject that when he finishes counting to bring his head back forward, open his eyes, and that will let me know he has finished. After demonstrating the instructions, I advised the subject if he understood the instructions, to which he replied yes. The subject advised that he counted 30 seconds to himself. I timed the subject with the stopwatch on my wristwatch to which the subject stopped at 44 seconds.

I then advised the subject as well as dispatch at 10:58 PM that he was being placed under arrest pursuant to Florida Statute 316.193 operating a motor vehicle under the influence of alcohol and or a controlled substance. The subject was then properly searched, and placed in the back seat of my marked patrol vehicle. The subject was transported to the Palm Beach County Jail. Upon arrival to the Palm Beach County Jail, the driver was escorted to the Breath Alcohol Testing Center, and a 20 minute observation was conducted to ensure the driver did not take anything by mouth or regurgitate. After the 20 minute observation, the driver was taken into the testing room and was asked to submit to a test of his breath. The subject advised that he would submit to a breath test. The subject provided two samples of his breath (.074) and (.077). The first sample was taken at 12:02 AM. The second sample was taken at 12:05 AM. I asked the subject if he would be willing to submit to a test of his urine for the purpose of detecting the presence of chemical or controlled substances to which he stated yes. The subject provided a urine sample at 12:30 AM. I read the subject Miranda, to which he replied he understood. The subject was then transported to Wellington Regional Medical Center to be medically cleared. The subject was then transported back to the Palm Beach county jail. The subject was escorted to the booking side and was processed without any incident to himself. Video of the field sobriety exercises as well as transport to the county jail are available upon request with FHP custodian. I took the urine sample back to the station and placed it into evidence for lab processing.

LEO BOND

Bond Amount \$	None	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> PreTrial If Qualify
	<input type="checkbox"/> Pro				<input type="checkbox"/>

COURT APPEARANCE INFORMATION

Court (CIRCUIT) PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Date & Time 12/13/2017 08:30 AM
Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410		
Instructions		

ARREST INFORMATION

Arrest Date / Time 11/08/2017 10:58 AM	Residency Within jurisdiction	Injured Arrestee	Extent of Injury Minor (treated in hospital)	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs Yes	

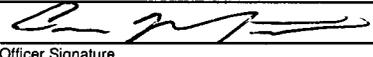
ARREST LOCATION

County PALM BEACH	Address I-95 NB ENT RAMP/YAMATO ROAD, BOCA RATON, FL
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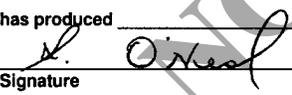
ARREST DELIVERED TO

Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARRESTING OFFICER

Officer Call Number 1385	Officer Name C.X MITCHELL	Officer Signature 
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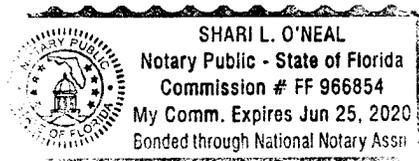
Subscribed and sworn to (or affirmed) before me this 09 day of November, A.D., 2017 by _____ who is personally known to me or has produced _____ as identification.

 Notary Public LEO CO Commission No: _____ My Commission Expires: _____

ARREST REPORT

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 8th DAY OF November 20 17, AT 10:58 AM PM

SUBJECT: Curt Ellis Elder CASE NUMBER: FHPL17OFF092605

AGENCY: FHP ARRESTING OFFICER: Tpr. Cedric Mitchell

PERSONAL CONTACT

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

see witness statement

OBSERVATION OF DRIVER:

**orbital sway
glassy eyes
slurred and mumbled speech
pale and flushed face**

DRIVER'S STATEMENTS:

Mr. Elder advised that he had four beers, and had consumed those beers three hours prior to the crash

ODORS:

unknown alcoholic beverage emitting from subject's mouth area

GENERAL OBSERVATIONS

SPEECH: **slurred and mumbled**

ATTITUDE: **cooperative**

CLOTHING: **casual**

MEDICAL/OTHER:

STATE OF FLORIDA
COUNTY OF PALM BEACH

Tpr. Cedric Mitchell

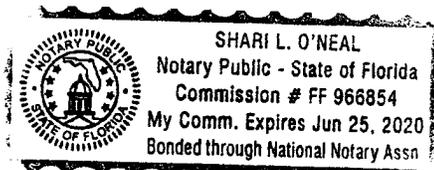
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 09 day of November 20 17 by _____

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

Shari L. O'Neal

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



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NOV 13 2017

SUBJECT: Curt Ellis Elder

CASE NUMBER FHPL17OFF092605

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

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

Other Observations:

WALK & TURN:

Walk and Turn observations:

The subject failed to stay in the starting position. The subject started before told to do so. On the first set of steps, the subject stepped off the line on step 4. The subject failed to make a proper turn. On the first and second set of steps, the subject failed to touch in a heel to toe manner. The subject used his arms to balance himself. On the second set of steps, the subject stepped off the line steps 2,4, and 5.

ONE LEG STAND:

When the subject attempted this exercise, he raised his left foot. During the exercise, the subject displayed 3 of the 4 possible clues. The subject used arms to balance himself. The subject swayed while performing the exercise. The subject put his foot down several times. The subject was told to stop due to his safety.

FINGER TO NOSE:

The subject was asked to stand with his feet together and his hands at his sides with his index fingers pointed. The subject was advised to not start until told to do so which he replied he understood. The subject was advised to close both his eyes and tilt his head back. I advised the subject when I tell you to, bring the hand I direct upward touching the tip of your finger to the tip of your nose. After demonstrating the instructions, I advised the subject if he understood the instructions, to which he replied yes. The exercise was conducted in the following manner of left, right, left, right, right, left. The subject failed to touch the tip of his finger to the tip of his nose on each attempt.

ROMBERG ALPHABET:

N/A

BREATH TEST RESULTS: 1) .074 2) .077 3) 4)

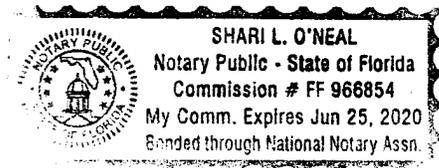
STATE OF FLORIDA
COUNTY OF PALM BEACH

Tpr. Cedric Mitchell
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 09 day of November 2017 by _____

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

Shari L. O'Neal
Notary Public, Clerk of Court, Officer (F.S.S 117.10)



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NOV 13 2017

TESTING FACILITY TASK REPORT

AGENCY: FHP-MITCHELL

SUBJECT: ELDER, CURT E

CASE NUMBER: 17-149449

DATE: Nov 9, 2017

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2359

ENDING TIME: 0021

BREATH TESTS RESULTS: 1) .074 TIME 0002 A.M. P.M. 2) .077 TIME 0005 A.M. P.M.
3) XX TIME XX A.M. P.M. 4) XX TIME XX A.M. P.M.

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICAN: D/S J Karklecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: CLEAR

ATTITUDE: COOPERATIVE

CLOTHING: GREEN RECOVERY SHIRT, BLUE SHORTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY
ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 2335
SUBJECT ADVISED HE WOULD SUBMIT TO THE TEST
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY
RESULTS WERE GIVEN
SUBJECT WAS ASKED TO GIVE URINE, SUBJECT AGREED THEN WAS UNSURE
IMPLIED CONSENT WAS READ AND SUBJECT AGREED TO SUBMIT TO URINE
MIRANDA WAS READ TO SUBJECT
SUBJECT SUBMITTED TO THE QUESTIONS ASKED

SUBJECT REFUSED DRE EXAM

WITNESS LIST

FHPL17OFF092605

CASE NUMBER:

ARRESTING OFFICER: Tpr. Cedric Mitchell

ADDRESS: P.O. Box 54007 Troop L Greenacres, FL 33454

PHONE NUMBERS (HOME): (561) 357-4000 (WORK)

CAN TESTIFY TO: Investigation

NAME:

ADDRESS:

PHONE NUMBERS (HOME) (WORK)

CAN TESTIFY TO:

NAME:

ADDRESS

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