

0234228

18CT16488

3655.

OBTS Number		ARREST / NOTICE TO APPEAR		1. Arrest 3. Request for Warrant 2. NTA 4. Request for Capias		1	Juvenile	N
Agency ORI Number FL 0500300		Agency Name BOYNTON BEACH POLICE DEPT.		Agency Report Number 34-18-047415				
Charge Type Check as many as Apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		If Weapon Seized Enter Type		Multiple Clearance Indicator				
Location of Arrest (Including Name of Business) P/L OF 1780 N. CR 807, BOYNTON BEACH, FL, 33426				Location of Offense (Business Name, Address) P/L OF 1780 N. CR 807, BOYNTON BEACH, FL, 33426				
Date of Arrest 09/13/2018	Time of Arrest 1848	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle		
Name (Last, First, Middle) TUNKEY, DAVID BARTHOLOMEW								
Aliases (Name, DOB, Soc Sec #, Etc)								
W - White B - Black	I - American Indian O - Oriental / Asian	Race W	Sex M	Date of Birth 03/25/1979	Height 600	Weight 167	Eye Color HAZEL	Hair Color BRO
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A		Marital Status SINGLE		Religion N/A		Indication of Alcohol Influence Y ☐ N ☐ Unk ☐		
Local Address (Street, Apt Number) 3625 NE 24TH AVE.		(City) FT LAUDERDALE,		(State) FL,		(Zip) 33308		Phone () - ()
Permanent Address (Street, Apt Number) 3625 NE 24TH AVE.		(City) FT LAUDERDALE,		(State) FL,		(Zip) 33308		Phone () - ()
Business Address (Street, Apt Number)		(City)		(State)		(Zip)		Phone () - ()
DL Number, State T520162791050 / FL		Soc. Sec. Number [REDACTED]		INS Number		Place of Birth BOYNTON BCH, FL		Citizenship US
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile		
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		☐ 2. At Large ☐ 4. Misdemeanor ☐ 6. Other		
Parent Name (Last, First, Middle) 1 - OR		Name (Last, First, Middle) 2 - OR		Relationship		Residence Phone		
Address (Street, Apt Number)		(City)		(State)		(Zip)		Business Phone
Notified by (Name)		Date		Time		Juvenile Disposition 1. Handled/Processed within Dept. and Released 2. TOT HRS/DYS 3. Incarcerated		
Released To (Name)		Relationship		Date		Time		
The above address was provided by ☐ defendant and/or ☐ defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2528) informed of any change of address. ☐ Yes, By (Name) ☐ No (Reason)						School Attended		Grade
Property Crime? ☐ Yes ☐ No		Description of Property		Value of Property				
Drug Activity N N/A P Possess		S Sell B Buy T Traffic	R Smuggle D Deliver E Use	K Dispense/ Distribute	M Manufacture/ Produce/ Cultivate	Z Other	Drug Type N N/A A Amphetamine	B Barbiturate C Cocaine E Heroin
Charge Description DUI		Counts 1		Domestic Violence ☐ Yes ☒ No		Statute Violation Number 316.193.1		Violation of ORD#
Drug Activity		Drug Type		Amount/Unit		Offense # 18-047415		Warrant/Capias Number
Charge Description REFUSAL TO SUBMIT BREATH SAMPLE		Counts 1		Domestic Violence ☐ Yes ☒ No		Statute Violation Number 316.1939.1		Violation of ORD#
Drug Activity		Drug Type		Amount/Unit		Offense # 18-047415		Warrant/Capias Number
Charge Description		Counts		Domestic Violence ☐ Yes ☒ No		Statute Violation Number		Violation of ORD#
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number
Charge Description		Counts		Domestic Violence ☐ Yes ☒ No		Statute Violation Number		Violation of ORD#
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number
Instruction No 1 Mandatory Appearance in Court		Instruction No 2 You need not appear in Court but must comply with instruction on reverse side		Location (Court, Room Number, Address) South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444				
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.		Court Date and Time Month 10 Day 15 Year 2018 Time 0830		Date Signed SEP 13 PM 10:05				
Signature of Defendant (or Juvenile and Parent/Custodian)		Signature of Arresting Officer		Name Verification (Printed by Arrestee)				
HOLD for other Agency Name		Name of Arresting Officer (Print)		ID #				
☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other		Name of Arresting Officer (Print) OFFICER CASTRO		ID # 905				
D/S B. SHATARA #7623		Pouch #		Agency BBPD				
Witness here is subject Signed with an "X".		Page 1 OF 1						

SEP 13 PM 10:05

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 13TH DAY OF September 2018 AT 6:27 ☐ A.M. ☒ P.M.

CASE #: 18-047415

DEFENDANT: TUNKEY, DAVID B.

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On the above date and time, while walking into Chipotle Mexican Grill located at 1780 N. CR 807 (Congress Ave) for a meal, OIT Waiters and I were approached by an customer who wished to remained anonymous in reference to two individuals that had entered the business and appeared to be under the influence. Let it be noted that this incident occurred within the City of Boynton Beach, Palm Beach County; FL. Witness advised that two W/Ms had entered the business swaying and stumbling and were showing signs of possibly being under the influence of either a controlled substance and/or an unknown alcohol beverage. Witness advised that the males had entered a White Toyota Tacoma that was equipped with pool equipment in the bed of the truck. Witness walked us towards the corner of the business, where she pointed to the truck; that was still located within the parking lot. Witness advised that she was concerned that if the males were under the influence and if decided to drive that they may get injured or hurt someone else.

OIT Waiters and I then made contact with the occupants of the vehicle (driver W/M Tunkey, David 03/25/79, passenger W/M Plano, Frank 08/17/82). The keys to the vehicle was in the ignition and the engine was running. I advised Tunkey the reason for our presence and the concerned that the witness had. I asked Tunkey if he was okay, which he stated yes. Tunkey advised that he and Plano walked into Chipotle to get food and that was all. Tunkey advised that they weren't stumbling and that there were okay. While speaking with Tunkey I can detect the odor of an unknown alcoholic beverage emitting from his breath and from within the vehicle. Tunkey's eyes were bloodshot/glassy and his speech was thick, slurred and dry. I asked Tunkey if has any type of alcoholic beverages to drink today, which he stated yes; earlier. Tunkey advised that he had one drink was a customer around noon today. Tunkey advised he felt fine and doesn't understand what the "big deal" was. Even after explaining to Tunkey again the witness's concerned and my duty to act and it being a concerned of mine; Tunkey still didn't see what the "big deal" was.

Based on my investigation at this point, I asked Tunkey to step out of the vehicle. While speaking with Tunkey outside his vehicle, I can still detect the odor of the unknown alcoholic beverage emitting from his breath. Tunkey was swaying back and forth while standing. Tunkey again advised that he was okay and that his current appearance was normal. I asked Tunkey if he still felt the effects of the alcoholic 6 hours after consuming it, which he advised no; but was still signing shows of impairment. Tunkey advised that he

consumed a 16oz mix drink with vodka. At this point, I asked Tunkey if he would submit to a series of Standardized Field Sobriety Task, which he refused. I then advised Tunkey of his Taylor Warnings, which he stated that he understood. Tunkey refused again to submit to the SFST. At that moment Tunkey was placed into custody under suspicion of DUI.

HORIZONTAL GAZE NYSTAGMUS:

- ☐ Left eye does not follow smoothly
- ☐ Left eye prior to 45 degrees
- ☐ Distinct jerking in left eye at maximum deviation
- ☐ Vertical Nystagmus in left eye

- ☐ Right eye does not follow smoothly
- ☐ Right eye prior to 45 degrees
- ☐ Distinct jerking in right eye at maximum deviation
- ☐ Vertical Nystagmus in right eye

WALK AND TURN:

REFUSED

ONE LEG STAND:

REFUSED

FINGER TO NOSE:

REFUSED

ROMBERG/ALPHABET:

REFUSED

Tunkey was placed into handcuff (D/L and Spaced) and placed in the back seat of my patrol vehicle (#4734). I then transported Tunkey to the Boynton Beach Police Department to continue my investigation. I arrived at BBPD at 1857hrs, started my 20 minutes observation at 1858hrs and completed at 1918hrs. Upon completion I requested Tunkey to provide a sample of his breath to determine the alcohol content, which he refused. I then read Tunkey Implied Consent, which he advised that he understood. I then requested a second time for a breath sample, which Tunkey refused again. I then read Tunkey his Miranda Warnings, which he stated that he understood. Tunkey then advised that he wanted a lawyer. Therefore I discontinued my investigation with Tunkey.

A driver's license check on Tunkey revealed that he has two prior DUI convictions, one being a DUI refusal on 05/04/04.

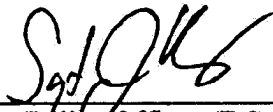
Based on the above facts I've established Probable Cause to arrest Tunkey with 1M count of DUI pursuant with F.S.S. 316.193.1 and Refusal to Submit Breath Sample pursuant with F.S.S. 316.1939.1. Tunkey was later TOT to PBCJ.

Copy of the SFST and BAT video and in-car video were later entered into the Boynton Beach Police Evidence Department. Incident was captured via BWC as well. Tunkey's vehicle was left on scene on his request. Statement from witness was captured via BWC.

Nothing further.

The following instrument was sworn to before me this 13 day of September 2018

By: PERSONALLY KNOWN / OFFICER CASTRO #905



Notary/Police Officer (F.S.S. 117.10)



Signature of Arresting Officer

NOT A CERTIFIED COPY

CASE #: 18-047415

DEFENDANT: TUNKEY, DAVID B.

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.

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.

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining 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 OFFICER CASTRO #905 of the Boynton Beach 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.

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 statements can and will be used against you in a court of law.

Suspect's Signature: READ ON VIDEO

CASE #: 18-047415
Date: 9/13/18

Video Tape #: 4734

1. g/210L Time ☐ a.m. ☐ p.m. 3. g/210L Time ☐ a.m. ☐ p.m.
2. g/210L Time ☐ a.m. ☐ p.m. 4. g/210L Time ☐ a.m. ☐ p.m.

MAINTENANCE TECHNICIAN: OFFICER CASTRO #905

SPEECH: THICK, SLURRED, DRY SPEECH

ATTITUDE: COOPERATIVE

CLOTHING: GRAY SHIRT, GRAY SHORTS, GRAY SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

COMMENTS:

CASE #: 18-047415

DEFENDANT: TUNKEY, DAVID B.

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.

Where you operating a motor vehicle at the time of the stop/Accident? REFUSED

Where were you going? _____

What Street or Highway were you on? _____

What was you direction of travel? _____

Where did you start from? _____

What time did you start? _____

What time is it now? _____

What is today's date? _____

What day of the week is it? _____

What City and County 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 have you been drinking? _____

How much? _____

With whom? _____

When did you have your first drink? _____

When did you have your last drink? _____

Can you feel the effects of the alcohol? _____

Are you under the influence? _____

Have you consumed any alcohol since the stop/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? _____

Where 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 you eyes that are not corrected by glasses? _____

Do you take insulin? _____ If so, when was your last injection? _____

Have you ever gad a driver's license in any other state? _____

Where? _____

Interviewer: _____

CASE #: 18-047415

DEFENDANT: TUNKEY, DAVID B.

Arresting Officer: CASTRO #905

Address: 100 E. Boynton Beach Boulevard Boynton Beach, FL 33435

Phone Numbers: Home: Work: (561) 742-6100

Name: OFFICER WAITERS #1106

Address: 100 E. BOYNTON BEACH BLVD, BOYNTON BEACH, FL, 33435

Phone Numbers: Home: Work: 561-742-6100

Can testify to: THE INVESTIGATION

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:

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:

Phone Numbers: Home: Work:

Can testify to:



**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: 2018030821

Date: 9/14/2018

Specialist Name/ID: M. Tooks #8557