

0487053

FLORIDA HIGHWAY PATROL

1267

REPORT NUMBER

FHP99ARR134183

ARREST REPORT

Report Date / Time 04/14/2017 12:36 AM	Agency Case/Offense Number FHPL17OFF028458	OCA Number	Originating Agency Case Number	OBTS Number Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD063290
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LOCATION OF OCCURRENCE

County PALM BEACH	Address I-95 EXIT 704 NB , WEST PALM BEACH, FL 33409
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Range of Occurrence Date/Time 04/14/2017 12:11 AM to 04/14/2017 12:11 AM	Latitude N 26 42.3630	Longitude W 80 4.5756
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PERSON: SUSPECT

First Name EARL	Middle Name JAYSON	Last Name POWERS	Suffix	Date of Birth 06/29/1989	Age 27	Race W	Sex M	Height 509	Weight 165	Hair BRO	Eyes HAZ
Master Name Index Number	Place of Birth BUFORD, SC	Nation US	SSN			Driver's License or Other ID P620210892290	State FL	Class or Type E			
Address 418 OCEAN BREEZE B		City LAKE WORTH	County PALM BEACH			State FL	Zip Code 33460	Phone 8507667502			

CHARGES

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

PROBABLE CAUSE

Defendant was driving westbound on SR-80 and turned right onto SR-9 as I turned from eastbound behind him. Defendant accelerated to 80 mph while still on the entrance (Posted 65, Pace - FHP1700). He moved to the left lane, then back to the right lane to pass a pick-up truck. When he entered the main travel lanes defendant passed another vehicle, then drifted from lane 6 to lane 5, continuing 2' into lane 4 then back to lane 5, then slowed to approximately 60 mph. I activated my emergency lights, defendant slowed, but did not move to the shoulder. Defendant moved to the exit to SR-704 (Okeechobee BV), and finally stopped on the right shoulder of the exit.

I approached the driver's side, and could immediately smell a strong odor of an unknown alcoholic beverage emanating from the vehicle. Defendant very smugly asked what the problem was. I told him he was going 80 in a 65 and was unable to maintain a single lane. He loudly said he did nothing wrong, then let out a loud audible sigh. When he exhaled, the odor intensified. I asked him for his DL and he produced it, then slammed his wallet and phone into the center console. I asked him how much he'd had to drink and he said none, then said maybe 2 or 3 (not specified).

Defendant got out of his car at my request, after picking up his phone then slamming it down again. He loudly said he had done nothing wrong, then walked stiffly to the rear of his car, then turned and faced his car in a sort of a "parade rest" posture. I told him to relax, then placed his DL in my car. I asked him if he had any medical issues, physical defects or if he was taking any medication or drugs and he said no. Defendant agreed to perform FSTs, as follows:

HGN: swayed orbital, eyes very bloodshot and glassy, face flushed. Lack of smooth pursuit - both eyes; Onset prior to 45 degrees - both eyes, distinct at maximum, both eyes.

W&T: 3rd step paused, stepped slightly to right; 4th step, paused, stepped feet side by side, lost balance, then crossed right foot over left and paused again, took 12 steps, pivoted on balls of both feet, lost balance and stepped to rear-right, then stopped on line until I told him to walk back, only first 3 steps heel-toe, remaining 3-5.

OLS: 2 "false starts", hesitated, raised right foot, was not counting, put down after 3 or 4 seconds, continued, put down after 8 seconds.

Based upon his driving, odor, physical appearance and performance on FSTs, I determined defendant's normal faculties were impaired by alcohol. I arrested him and secured his left wrist with a handcuff and he tried to pull away with his right hand until I physically pulled it behind him. As I walked him to my car he kept tensing his muscles, and I kept telling him to relax and not resist. I secured him in my car without incident, then requested a tow.

While waiting for Steve's Towing, defendant was moody, going from loud and angry, to almost threatening, then condescending, telling my I had mad a mistake. When I began to drive to the PBSO BAT, defendant began to sob and wail uncontrollably.

We arrived at the BAT, and I conducted a twenty minute observation period. During that time, he continued his mood swings, I had to remind him to sit down twice, he was reading the notices on the walls out loud, then talking to God.

Defendant was taken to a test room and agreed to take a breath test, administered by DUI Tech J. Biggs. Defendant provided 2 samples results .163/.164. Defendant refused to answer questions.

There is in-car video as well as video from the test room.

2017 APR 14

LEO BOND

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

COURT APPEARANCE INFORMATION

Court (COUNTY) PALM BEACH NORTH COUNTY COURTHOUSE Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410 Instructions	Court Phone 561-624-6608	Court Date & Time 05/10/2017 08:30 AM
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Report Date / Time
04/14/2017 12:36 AM

Agency Case/Offense Number
FHPL17OFF028458

OCA Number

Operating Agency
Case Number

OBTS Number

Offender Based
Transaction System

Jail Booking Number

Other Number

LWRC17CAD063290

ARREST INFORMATION

Arrest Date / Time 04/14/2017 12:11 AM	Residency Within jurisdiction	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs No	

ARREST LOCATION

County PALM BEACH	Address I-95 EXIT 704 NB , WEST PALM BEACH, FL 33409
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ARREST DELIVERED TO

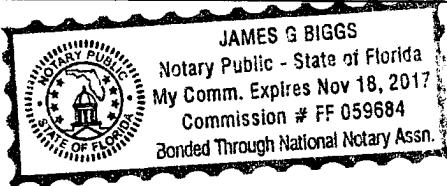
Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARRESTING OFFICER

Officer Call Number 422	Officer Name P.L. CROY	Officer Signature
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Subscribed and sworn to (or affirmed) before me this 14th day of April, 2017 A.D., by P.L.Croy who is ✓ personally known to me or has produced ✓ as identification.

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



TESTING FACILITY TASK REPORT

AGENCY: FHP-CROY

SUBJECT: POWERS, EARL J

CASE NUMBER: 17-064346

DATE: Apr 14, 2017

VIDEO DVD NUMBER: 62423

BEGINNING TIME: 0120

ENDING TIME: 0131

BREATH TESTS RESULTS: 1) .163 TIME 0124 A.M. P.M. 2) .164 TIME 0127 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: SLURRED, YELLING AT TIMES

ATTITUDE: EMOTIONS UP AND DOWN (UPSET, CALM, CRYING, YELLING)

CLOTHING: GRAY SHIRT, GRAY SHORTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES BLOODSHOT, RED, WATERY EYES
ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0100
SUBJECT ADVISED HE WOULD SUBMIT TO THE TEST
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY
RESULTS WERE GIVEN
MIRANDA WAS READ TO SUBJECT
SUBJECT REFUSED THE QUESTIONS

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 To a copy of the FHP

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) On Camera

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) On Camera

QUESTIONS AND ANSWERS *On Camera - Refused*

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? _____

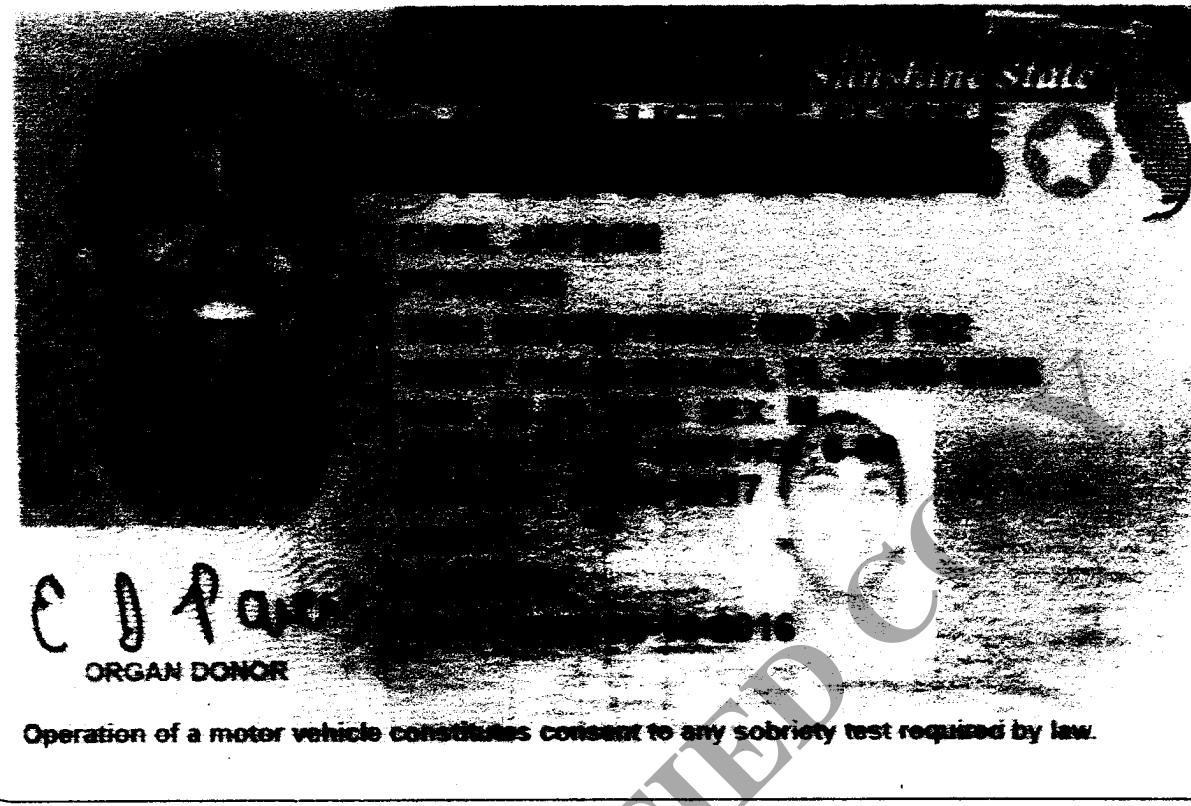
INTERVIEWER: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL



Operation of a motor vehicle constitutes consent to any sobriety test required by law.