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FLORIDA HIGHWAY PATROL

REPORT NUMBER
FHP99ARR140954

17CT 15496

ARREST REPORT

Report Date / Time 08/19/2017 11:07 PM	Agency Case/Offense Number FHPL17OFF067270	OCA Number	Operating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD150751
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LOCATION OF OCCURRENCE

County PALM BEACH	Address SB SR 9 NOF BOYNTON BEACH BLVD , WEST PALM BEACH, FL 33407	Latitude N 26 32.5140	Longitude W 80 4.3274
Range of Occurrence Date/Time 08/19/2017 10:38 PM to 08/19/2017 12:15 PM			

PERSON: SUSPECT

First Name ERIC	Middle Name ALBERT	Last Name HOLZSCHUH	Suffix	Date of Birth 09/13/1985	Age 31	Race W	Sex M	Height 605	Weight 235	Hair BRO	Eyes BRO
Master Name Index Number	Place of Birth TEXAS	Nation USA	SSN			Driver's License or Other ID H420201853330	State FL			Class or Type E	
Address 4165 BAY LAUREL WAY	City BOCA RATON	County PALM BEACH				State FL	Zip Code 33487			Phone	

CHARGES

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

PROBABLE CAUSE

On the above date and time I was in service in Palm Beach County, FL. The weather was clear and traffic was moderate. At approximately 10:39 PM a BOLO (Be On The Look Out) was dispatched for a silver in color Jeep with a black top traveling southbound on Interstate 95 (State Road 9) south of Palm Beach Lakes Blvd that was described to be driving all over the roadway and unable to maintain a single lane. The caller also advised that the silver in color Jeep was driving off the roadway onto the left paved emergency shoulder almost colliding with the concrete median barrier. As the BOLO got closer to my location I then advised dispatch that I would attempt to intercept the silver in color Jeep. Dispatch then advised that the silver in color Jeep was now approaching Gateway Blvd. I then advised dispatch that I was on the southbound entrance ramp from Gateway Blvd and had a visual on the silver in color Jeep in the HOV lane. I observed the silver in color Jeep bearing the Florida tag of, 220JFJ, unable to maintain a single lane as it drifted off into the inside center lane and back into the HOV lane. I then activated my emergency lights and sirens in an attempt to conduct a traffic stop on the silver in color Jeep. The driver of the silver in color Jeep then pulled off to the left paved emergency shoulder just north of Boynton Beach Blvd (State Road 804). I then approached the silver in color Jeep on its driver side and observed a white male in the driver seat. The white male driver was later identified through his Florida Drivers License as, Eric Albert Holzschuh 09/13/1985. Upon coming into initial contact with Mr. Holzschuh I observed his eyes to be glossy and red in color. I then advised Mr. Holzschuh the reasoning of the traffic stop and if there was any reason as to why his driving pattern was the way it was. Mr. Holzschuh then advised me that there was no reason for it. I then could smell the odor commonly associated with the smell of an unknown alcoholic beverage emitting from Mr. Holzschuh's breath as he spoke to me. I then asked Mr. Holzschuh where he was coming from. Mr. Holzschuh then advised me he was driving from St. Lucie. Mr. Holzschuh's speech was slurred and mumbled. Mr. Holzschuh was then asked to turn off his vehicle and to then provide me with the necessary documentation to identify himself and the vehicle. As Mr. Holzschuh was looking for the documentation I requested of him I then observed an open Budlight beer bottle in the center console of the vehicle. After Mr. Holzschuh provided me with the documentation I requested I then asked if he had anything to drink prior to driving his vehicle. Mr. Holzschuh then advised me that he did not have anything. Mr. Holzschuh was then asked to step out of his vehicle and followed me to the front of my patrol vehicle. When coming into contact with Mr. Holzschuh outside of the vehicle I then advised him the reason I requested for him to step out was because I had reason to believe he was driving under the influence of alcohol. I then asked Mr. Holzschuh once more if he had anything to drink prior to driving his vehicle. Mr. Holzschuh then advised me again that he did not. I then explained to Mr. Holzschuh my observations and what I was smelling as he spoke to me and again if there was a reason for his driving pattern. Mr. Holzschuh advised me that he works late nights. Mr. Holzschuh was then asked if he was coming from work now. Mr. Holzschuh then advised me that he was not and that he was out with coworker's. Mr. Holzschuh was then advised that I would now be requesting for him to perform a series of roadside exercises. Mr. Holzschuh then questioned my request. I then advised Mr. Holzschuh that the reason of my request was because I had reason to believe he was driving under the influence of alcohol. Mr. Holzschuh was then requested again to perform the series of roadside exercises. Mr. Holzschuh then advised me that he did not feel the need to perform them and advised that he would not perform them. I then advised Mr. Holzschuh that if he refused to consent to perform the series of roadside exercises that I would be placing him under arrest for driving under the influence based off my observations. Mr. Holzschuh was then again asked to perform the series of roadside exercises and again refused to do so. (See Video)

Horizontal Gaze Nystagmus:

- Refused

Walk and Turn Exercise:

- Refused

One Leg Stand Exercise:

- Refused

Finger to Nose:

- Refused

Rhomberg Balance:

- Refused

Based on the totality of circumstances, Mr. Holzschuh was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 10:57 PM. Mr. Holzschuh was then searched and placed in the back of my patrol vehicle and transported to the Palm Beach County Jail in which he arrived at 11:23 PM. After the defendants 20 min observation he was then given the opportunity to provide a breath sample in which he refused at 11:46 PM.

Video of the traffic stop, arrest and transport can be obtained through the FHP custodian. Video of the BAT facility can be obtained through the PBSO records department.

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SCANNED

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CPI No: 11-11-1720

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LEO BOND

Bond Amount \$ _____	<input type="checkbox"/> None	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> PreTrial If Qualify <input type="checkbox"/>
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COURT APPEARANCE INFORMATION

Court (CIRCUIT) PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Date & Time 09/18/2017 08:30 AM
Court Address 200 WEST ATLANTIC AVE., DELRAY BEACH, FL 33444		
Instructions		

ARREST INFORMATION

Arrest Date / Time 08/19/2017 10:57 PM	Residency Within state	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests Yes	Arrest Jurisdiction Within state	Alcohol Yes	Drugs No	

ARREST LOCATION

County PALM BEACH	Address SB SR 9 NOF BOYNTON BEACH BLVD , WEST PALM BEACH, FL 33407
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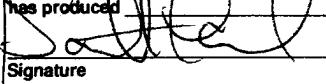
ARREST DELIVERED TO

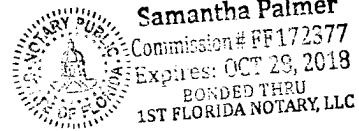
Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARRESTING OFFICER

Officer Call Number 1498	Officer Name SAYIH R. A.	Officer Signature 
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Subscribed and sworn to (or affirmed) before me this 19 day of AUGUST A.D., 2017 by TPR SAYIH R. A. who is ✓ personally known to me or has produced Sayih R. A. as identification.

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



NOT A CERTIFICATE

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AUG 21 2017

TESTING FACILITY TASK REPORT

AGENCY: FHP-L/SAYIH

SUBJECT: HOLZSCHUH, ERIC

CASE NUMBER: 17-117045

DATE: 08/19/2017

VIDEO DVD NUMBER: 63233

BEGINNING TIME: 2344

ENDING TIME: 2346

BREATH TESTS RESULTS: 1) R TIME 2346 A.M. P.M. 2) XX TIME XX 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

ATTITUDE: CALM, QUIET, COOPERATIVE

CLOTHING: RED TSHIRT, GREY GYM SHORTS, BLACK FLIP FLOPS

MEDICAL CONDITIONS: NONE

MEDICATIONS: WEED

OTHER:

EYES GLASSY AND BLOODSHOT,

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 2323
SUBJECT REFUSED TO TAKE BREATH TEST

A/O READ I/C, SUBJECT STATED HE UNDERSTOOD I/C

A/O CALLED REFUSAL @ 2346

A/O READ RIGHTS

SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

SUBJECT REFUSED ANY QUESTIONING WITHOUT COUNSEL

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AUG 21 2017

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 TRP. Sayit 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) Read 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) Read on Camera

SCANNED
AUG 21 2017

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:

Tpr. Sayitt