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FLORIDA HIGHWAY PATROL

REPORT NUMBER
FHP99ARR137505

ARREST REPORT

Report Date / Time 10/15/2017 04:48 AM	Agency Case/Offense Number FHPL17OFF084627	OCA Number	Originating Agency Case Number	OBTs Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD190113
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LOCATION OF OCCURRENCE

County PALM BEACH	Address I-95NB, WEST PALM BEACH, FL 33401	
Range of Occurrence Date/Time 10/15/2017 02:54 AM to 10/15/2017 02:54 AM	Latitude N 26 44.9004	Longitude W 80 5.4048

PERSON: SUSPECT

First Name GARY	Middle Name LEE	Last Name FULTON	Suffix 2	Date of Birth 07/25/1994	Age 23	Race W	Sex M	Height 601	Weight 160	Hair BRO	Eyes BRO
Master Name Index Number	Place of Birth GREENACERS, FL	Nation USA	SSN	Driver's License or Other ID F435292942650	State FL	Class or Type					
Address 6563 SPRING MEADOW DR		City GREENACRES	County	State FL	Zip Code 33413	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 responding to a traffic crash. The traffic crash occurred northbound, on State Road 9 (I-95) around the area of Palm Beach Lakes Blvd. Once on scene, I observed a gray vehicle on the left paved median. Also, I observed two males standing outside the gray vehicle on the driver side. I approached both gentleman and asked them both were they okay. One gentleman; who was later identified by his Florida Driver's License number C642100744570 as CHERY CHERILUS, advised that he was not a part of the vehicle crash. Mr. Cherilus advised that he witnessed the crash and stopped out to check on the driver's condition. The second gentleman; who was later identified by his Florida Driver's License number F435292942650 as Gary Fulton II as the driver of the vehicle that crashed. Mr. Fulton II advised that he is fine, just upset about the crash. I asked Mr. Fulton II to explain what happened leading up to the crash. Mr. Fulton II advised that he was traveling southbound on I-95 from Okeechobee Blvd in the outside travel lane. Mr. Fulton II further advised while traveling southbound on I-95, he lost control of his vehicle for unknown reasons and collided with the concrete median barrier on I-95. While speaking to Mr. Fulton II, I observed him to have red glassy eyes, slurred speech, trouble balancing, and also an odor of an unknown alcoholic beverage coming from the mouth and breath area of Mr. Fulton II. I asked Mr. Fulton II what he was doing prior to driving. Mr. Fulton II advised that he was hanging out with some friends. I asked Mr. Fulton II if he consumed any alcoholic beverages prior to/ while driving. Mr. Fulton II advised that he consumed a few beers earlier.

I then advised Mr. Fulton II that I have completed my crash investigation, and that I am now conducting a criminal driving under the influence (DUI) investigation. Mr. Fulton II advised he understood and became very emotional. I then advised Mr. Fulton II of his constitutional rights. After doing so, Mr. Fulton II advised he understood and would continue to cooperate with the DUI investigation. I asked Mr. Fulton II to explain what happened leading up to the crash. Mr. Fulton II advised that he was traveling southbound on I-95 from Okeechobee Blvd in the outside travel lane. Mr. Fulton II further advised while traveling southbound on I-95, he lost control of his vehicle for unknown reasons and collided with the concrete median barrier on I-95. While speaking to Mr. Fulton II, I observed him to have red glassy eyes, slurred speech, trouble balancing, and also an odor of an unknown alcoholic beverage coming from the mouth and breath area of Mr. Fulton II. I asked Mr. Fulton II what he was doing prior to driving. Mr. Fulton II advised that he was hanging out with some friends. I asked Mr. Fulton II if he consumed any alcoholic beverages prior to/ while driving. Mr. Fulton II advised that he consumed a few beers earlier. I asked Mr. Fulton II if he could point to the vehicle he was driving at the time of the crash. Mr. Fulton II pointed at the gray vehicle on scene with front end damage and advised that it was the vehicle he was driving. I also asked Mr. Fulton II was there anyone else in the vehicle at the time of the crash. Mr. Fulton II advised no, he was the only occupant. I then advised Mr. Fulton II that we are northbound on I-95. Mr. Fulton II insisted that he was traveling southbound on I-95 in the direction of Miami. I then asked Mr. Fulton II if he would perform a series of Standardized Field Sobriety Exercises (SFSE's). Mr. Fulton II then advised me that he was scared to do them. When Mr. Fulton II was asked why, Mr. Fulton II advised because he "fucked up". Mr. Fulton II was very unbalanced and uncoordinated to the extent where Mr. Fulton II had to use the concrete median barrier for support to keep Mr. Fulton II upright. I then advised Mr. Fulton II that for his, the public's, and myself safety; I would not allow him to perform SFSE's due to Mr. Fulton II consistent stumbling and trouble balancing.

I then placed Mr. Fulton II under arrest for suspected DUI. Shortly after, I placed Mr. Fulton II in the rear of my patrol vehicle. After, I returned to the witness Mr. Cherilus to obtain an audio sworn statement from him.

*Reference in car camera sworn statement from Mr. Cherilus

After, I departed the scene enroute to the Palm Beach County Jail. Upon arrival at the jail, I escorted Mr. Fulton II to the BAT center. There, I conducted a 20 minute observation period of Mr. Fulton II. Once the 20 minutes were up, I escorted Mr. Fulton II into the BAT room. Once there, I requested Mr. Fulton II to submit to a lawful test of his breath for the purpose of determining its alcohol content. Mr. Fulton II refused to do so. I then advised Mr. Fulton II of Florida Implied Consent. After doing so, Mr. Fulton II agreed to submit. Mr. Fulton II then provide an adequate breath sample of .219 and another breath sample of .217. I then advised Mr. Fulton II of his constitutional rights. Mr. Fulton II advised he understood. No Q&A was conducted. I then transported Mr. Fulton II to booking into the Palm Beach County Jail. Shortly after, Mr. Fulton II was booked into the Palm Beach County jail on 316.193.1 Florida Statute. All events occurred in Palm Beach County.

OCT 15 4 55:38 PM '17
 OCT 15 2017
 AM 5:14

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 11/25/2017 09:00 AM
Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410		
Instructions		

SCANNED
 OCT 17 2017

Report Date / Time 10/15/2017 04:48 AM	Agency Case/Offense Number FHPL17OFF084627	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD190113
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ARREST INFORMATION

Arrest Date / Time 10/15/2017 03:22 AM	Residency Within state	Injured None	Extent of injury N/A	Resist Arrest No
Prior Arrests Yes	Arrest Jurisdiction Within state	Alcohol Yes	Drugs Unknown	

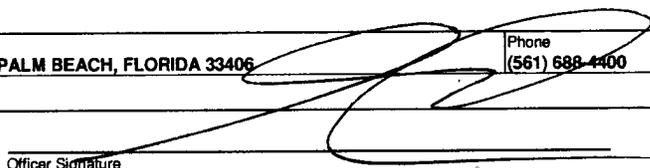
ARREST LOCATION

County PALM BEACH	Address I-95NB, WEST PALM BEACH, FL 33401
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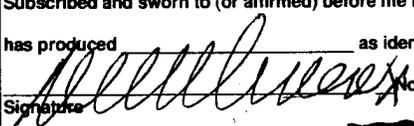
ARREST DELIVERED TO

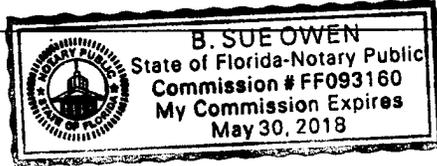
Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARRESTING OFFICER

Officer Call Number 1667	Officer Name CLEARY, GUS E JR	Officer Signature 
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Subscribed and sworn to (or affirmed) before me this 15th day of October A.D. 2017 by Gus E. Jr. Cleary who is personally known to me or has produced _____ as identification.

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



NOT A CERTIFIED COPY

SCANNED
05/15/17

TESTING FACILITY TASK REPORT

AGENCY: FHP
SUBJECT: Fulton II, Gary Lee CASE NUMBER: 17-139510
DATE: 10/15/17 VIDEO TAPE NUMBER: N/A
BEGINNING TIME: 0408 ENDING TIME: 0419
BREATH TESTS RESULTS: 1) .219 TIME 0414 A.M./P.M. 2) .217 TIME 0417 A.M./P.M.
3) TIME A.M./P.M. 4) TIME A.M./P.M.

BREATH OPERATOR: S. Owen #3184
MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred
ATTITUDE: Apologetic, very nice, co-operative
CLOTHING: black shoes, black jeans, blue dress shirt
MEDICAL CONDITIONS: bi-polar
MEDICATIONS: meds 2x day
OTHER: NOT steady on feet

COMMENTS: Alo & I arrived at 0347 hrs
Alo observed 20 minutes
Alo requested breath test, A refused
Alo read I/C, A understood, agreed
NO problem with test, A looked like he
was about to throw up, but didn't
A/E read C/W, A understood
refused C/A Tech explained
results

SCANNED
OCT 11 2017

SUBJECT: Fulton II, Gary Lee

CASE NUMBER: FHPL17OFF 084627

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: _____~~

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

SCANNED
OCT 17 2017

SUBJECT: Fulton II, Gary Lee

CASE NUMBER: FHPL17OFF084627

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 Tpr Cleary of the FNP

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.

SCANNED
OCT 11 2017

SUSPECT'S SIGNATURE: (X) Read on Camera