

Set # 0496062

Dch # 2027

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias		N	Juvenile	1	
Agency ORI Number FL 0500300		Agency Name BOYNTON BEACH POLICE DEPT.			Agency Report Number 34-18-011484						
Charge Type: Check as many as Apply.		<input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		If Weapon Seized Enter Type		Multiple Clearance Indicator	
Location of Arrest (Including Name of Business) 900 W. MINER RD, BOYNTON BEACH, FL, 33426					Location of Offense (Business Name, Address) 900 W. MINER RD, BOYNTON BEACH, FL, 33426						
Date of Arrest 02/25/2018		Time of Arrest 0100HRS		Booking Date		Booking Time		Jail Date		Jail Time	
Name (Last, First, Middle) GARDNER, GEORGE LEE		Alias (Name, DOB, Soc. Sec. #, Etc)									
W - White B - Black	I - American Indian O - Oriental / Asian	Race W	Sex M	Date of Birth 11/23/1973		Height 600	Weight 190	Eye Color HAZEL	Hair Color BLONDE	Complexion LIGHT	Build MED
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A							Marital Status DIVORCE		Religion N/A	Indication of: Alcohol Influence <input type="checkbox"/> <input type="checkbox"/> Drug Influence <input type="checkbox"/> <input type="checkbox"/>	
Local Address (Street, Apt. Number) 706 BUTTONWOOD LANE,		(City) BOYNTON BEACH,		(State) FLORIDA,		(Zip) 33436		Phone () - ()		Residence Type 1. City 3. Florida 2. County 4. Out of State	
Permanent Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone () - ()		Address Source FL DL	
Business Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone () - ()		Occupation MECHANIC	
D/L Number, State G635312734230 / FL		Soc. Sec. Number [REDACTED]		INS Number		Place of Birth FT LAUDERDALE, FL		Citizenship US			
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor	<input type="checkbox"/> 5. Juvenile			
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor	<input type="checkbox"/> 5. Juvenile			
<input type="checkbox"/> Parent Name (Last) (First) (Middle)		Residence Phone									
<input type="checkbox"/> Legal Custodian		Business Phone									
<input type="checkbox"/> Other		Address (Street, Apt. Number) (City) (State) (Zip)									
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 <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2526) informed of any change of address: <input type="checkbox"/> Yes, By: (Name) <input type="checkbox"/> No: (Reason)							School Attended		Grade		
Property Crime? Yes <input type="checkbox"/> No <input type="checkbox"/>		Description of Property				Value of Property					
Drug Activity	S. Sell	R. Smuggle	K. Dispense/Distribute	M. Manufacture/Produce/Cultivate	Z. Other	Drug Type	B. Barbituate	H. Hallucinogen	P. Paraphernalia/Equipment	U. Unknown	
N. N/A	T. Traffic	D. Deliver	E. Use			N. N/A	C. Cocaine	M. Marijuana	S. Synthetic	Z. Other	
P. Possess						A. Amphetamine	E. Heroin				
Charge Description DUI		Counts 1		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number 316.193.1		Violation of ORD#			
Drug Activity		Drug Type		Amount/Unit		Offense # 18-011484		Warrant/Capias Number		Bond	
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD#			
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond	
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD#			
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond	
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD#			
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond	
<input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court		Location (Court, Room Number, Address) South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444									
<input type="checkbox"/> Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.		Court Date and Time Month 03 Day 26 Year 2018 Time 0830									
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 FULLY 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.											
Signature of Defendant (or Juvenile and Parent/Custodian) <i>George Gardner</i>		Signature of Arresting Officer <i>[Signature]</i>		Name Verification (Printed by Arrestee) (PRINT)		Date Signed FEB 25 2018 4:46 AM					
HOLD for other Agency Name:		Name of Arresting Officer (Print) OFFICER CASTRO		I.D. # 905		Name Verification (Printed by Arrestee) (PRINT)		Page 1 OF 1			
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal	<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:	Intake Deputy SPAWN		I.D. # 8101		Pouch #		Transporting Officer OFFICER CASTRO		I.D. # 905	
Agency		Agency		Agency		Agency		Agency		Agency	
Witness here is subject Signed with an "X"		Witness here is subject Signed with an "X"		Witness here is subject Signed with an "X"		Witness here is subject Signed with an "X"		Witness here is subject Signed with an "X"		Witness here is subject Signed with an "X"	

NOTICE TO APPEAR

FEB 27 2018

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 25 DAY OF February 2018 AT 0018 A.M P.M.

CASE #: 18-011484

DEFENDANT: GARDNER, GEORGE LEE

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On the above date and time I responded to the area of the 900 block of W. Miner Rd in reference to a subject possibly shot in a car. Let it be noted that this incident occurred with the City of Boynton Beach, Palm Beach County, Florida.

Upon arrival I observed a Silver Honda Accord bearing Florida tag IGBV85 in the eastbound lanes of Miner, facing south. The vehicle had heavy rear end damage and none of the lights on the vehicle were on. I then observed a Silver Lexus IS300 bearing Florida tag ESQF32 in the westbound lanes of Miner, facing west. The vehicle had heavy front end damage and only the front passenger headlight operable, as the driver side headlight was missing due to the crash. I then made contact with a B/F (later identified as Lamonge, Kendra 02/07/00, driver of the Honda), B/M (later identified as Banks, Nathaniel 04/28/01, front passenger of the Honda), W/M (later identified as Gardner, George 11/23/73, driver of the Lexus) and W/M (later identified as Gellert, Jordan 02/21/96, front passenger of the Lexus). Lamonge was the only one complaining of injuries to her head, no one else advised that they were injured; nor were any seen.

Lamonge advised that she was traveling approximately 20-25mph westbound on W. Miner Rd when the rear of her vehicle was struck by Gardner. Lamonge advised that Gardner was speeding and did not stop prior to striking her vehicle. Lamonge advised that she was in motion and that her headlights were on. While on scene Lamonge advised and pointed to Gardner as being the driver of the Lexus. Lamonge advised that as soon as the crash occurred she looked out her driver's door, that she opened, and observed Gardner inside the Lexus and exit the Lexus via the driver's front door. See Lamonge's BWC statement for further.

I then spoke with Banks, who advised that he was injured as a result of the crash. Banks advised that he and Lamonge were traveling slowly in the westbound lanes of Miner Rd when he heard what appeared to be the sound of tires quickly braking. Banks advised that upon hearing the tire noise he looked back towards the Lexus, at which time the Lexus struck the rear of their vehicle with its front end. While on scene Banks advised and pointed to Gardner as being the driver of the Lexus. See Banks' BWC statement for further.

I then spoke with Gardner reference the crash. Gardner advised that he was traveling westbound on W. Miner Rd when out of nowhere he observed Lamonge's vehicle stopped in the middle of the westbound lanes, with no headlight on. Gardner advised that he attempted to stop but it was too late. Gardner was addiment that Lamonge's headlights were not on. Gardner advised that he also couldn't see Lamonge's vehicle due to the roadway being dark. While speaking with Gardner and observing him on scene, he was very unsteady on his feet. Gardner swayed side to side a lot and stumbled around on scene. While speaking with Gardner I detected the odor of an unknown alcoholic beverage emanating from his breath, which intensified as he spoke. Gardner's speech was thick and slurred and his eyes were bloodshot/glassy. Based on my investigation at this point I advised Gardner that I've concluded my Crash Investigation and that I was now conducting a DUI Investigation, which he stated that he understood. I then read Gardner his Miranda Warnings, which he stated that he understood. Gardner advised that he and his son, Gellert, were out for Gellert birthday and were heading home from Key Lime House. Gardner advised that they were out for only two hours and that they left their residence at 2000hrs. When asked what time it was right now, Gardner advised it was 2300hrs. In reality it was 0030hrs. After informing Gardner that I detected the odor of an unknown alcoholic beverage coming from his breath, Gardner admitted to having a couple of drinks. Gardner advised that he had only two rum and cokes mix drinks throughout the night. Gardner also advised that he took his prescribed Lexapro earlier in the day. While speaking with Gardner, he still swayed side to side and his appearance did not change. Based on my investigation I this point, I requested Gardner to Submit to a series of Standardized Field Sobriety Task, which he agreed to. Prior to starting I asked Gardner if he had any disabilities and/or injuries I should be aware of, which he stated he had a bad right knee and bad right ankle. Gardner advised that he has had the injury for the past 7 years. Gardner also advised that he was nearsighted. See the following:

During the Pen Exercise Gardner had a difficult time following simple direction as where to stand and how to stand. Gardner swayed side to side and had a difficult time not moving his head. There were moments that Gardner was looking pass that pen and focusing on a fixed objected.

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|--|---|
| <input type="checkbox"/> Left eye does not follow smoothly | <input type="checkbox"/> Right eye does not follow smoothly |
| <input type="checkbox"/> Left eye prior to 45 degrees | <input type="checkbox"/> Right eye prior to 45 degrees |
| <input type="checkbox"/> Distinct jerking in left eye at maximum deviation | <input type="checkbox"/> Distinct jerking in right eye at maximum deviation |
| <input type="checkbox"/> Vertical Nystagmus in left eye | <input type="checkbox"/> Vertical Nystagmus in right eye |

WALK AND TURN:

The Task was explained and demonstrated to Gardner, which he stated that he understood. During the instructional stage Gardner had a difficult time standing in the manner I requested of him. Instead of standing on the designated line, he placed his foot in between both lines. Gardner swayed side to side while standing. Gardner started the task too soon. During the

walking stage, on the first nine steps Gardner missed heel to toe between step number 8-9. After completing the 9 steps, Gardner paused and asked for further directions. On the returning 9 steps, Gardner missed heel to toe between step number 1-2,2-3. Stepping off the line to the right on step number 3. From step number 3 to 9 Gardner drifted off the line towards the right and started to walk on the parallel line. Gardner used his arms for balance.

ONE LEG STAND:

The Task was explained and demonstrated to Gardner, which he stated that he understood. During the instructional stage Gardner swayed side to side. During the balancing stage Gardner utilized his right leg, dropping it one time, swaying while balancing and stopped the task prior to the 30 seconds were completed.

FINGER TO NOSE:

The Task was explained and demonstrated to Gardner, which he stated that he understood. During the instructional stage Gardner swayed side to side. During the exercise stage Gardner missed the tip of his nose of the first and last LEFT command and on his first RIGHT command. Gardner failed to return his arm to his side after ever command. Gardner swayed during the task.

ROMBERG/ALPHABET:

The Task was explained and demonstrated to Gardner, which he stated that he understood. During the instructional stage and exercise stage Gardner swayed side to side. No further clues.

Based on the above facts Gardner was placed into custody under suspicion of DUI, which he stated that he understood. Prior to leaving the scene I spoke with Gellert. Gellert advised that he and father were returning home from Spearmint Rhino (gentlemen's clubs). Gellert advised that while traveling westbound on W. Miner Rd he observed Lamonge stopped in the middle of the roadway for a unknown reason. Gellert advised that he couldn't recall if she had the exterior lights on or not. Gellert advised that he was injured as a result of the crash. Gellert advised that Gardner was not driving reckless and he was obeying the traffic laws based to his knowledge. See Gellert's BWC statement for further.

I then transported Gardner to the Boynton Beach Police Department, arriving at 0105hrs, started my 20 minutes observation at 0106hrs and completed at 0126hrs. Upon completion I requested Gardner to provide a sample of his breath to determine the alcohol content, which he refused. Gardner advised that he was always told not to provide a breath sample. I then read Gardner Implied Consent, which he stated that he understood. I then requested a second time for a breath sample, which he refused again. Gardner completed the Q &A attached to this packet.

Let it be noted that while conducting the post-crash investigation I noticed that both of Lamonge's right rear taillight bulbs were not blown. The bulbs were Seal Beam Bulbs, with one having two tungsten coils (filaments) which acts for the brake light and running lights. The other only having one tungsten coil which acts for the running light. The average speed from a crash that would be required to blow the coil inside the glass bulb is approximately 12.5mph, which based on the damage (crush) of both vehicles and training and experience, the impact speed with greater than 12.5 mph. The area where the two bulbs were removed for examinations the red taillight cover was completely missing as a result of the accident. The two bulbs were examined by Officer Grigorian and I approximately 45 minutes post-crash. Both bulbs were cool to the touch and completely clear from any gas released from within and the glass bulb was fully intact, not damaged in any way. Based on my training and experience it is believed that Lamonge did not have her exterior lights on prior to the crash. Upon informing Lamonge about of findings, she appeared to be unsure if she had the exteriors light on or not. A photo was taken of one of the light bulbs.

Based on the above facts I've established Probable Cause to arrest Gardner with 1M count of DUI pursuant with F.S.S. 316.193.1. Gardner was processed and later TOT to PBCJ.

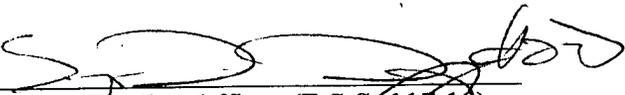
Copy of the SFAT and BAT video was later entered into the Boynton Beach Police Evidence Department. Incident was captured via BWC as well. Gardner's vehicle was removed from scene by Beck's Towing.

Nothing further.

NOT A CERTIFIED COPY

The following instrument was sworn to before me this 25 day of February 2018

By: PERSONALLY KNOWN / OFFICER CASTRO #905


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


Signature of Arresting Officer

CASE #: 18-011484

DEFENDANT: GARDNER, GEORGE LEE

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

TESTING FACILITY TASK REPORT

CASE #: 18-011484

DEFENDANT: GARDNER, GEORGE LEE

Date: 2/25/18

Video Tape #: 4734

BREATH TEST RESULTS: REFUSED

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.

BREATH OPERATOR: OFFICER CASTRO #905

MAINTENANCE TECHNICIAN: OFFICER CASTRO #905

TESTING OFFICER'S OBSERVATIONS

SPEECH: THICK, SLURRED

ATTITUDE: COOPERATIVE

CLOTHING: PURPLE SHIRT, BLACK PANTS, BLACK SHOES

MEDICAL CONDITIONS: BAD HEART, BAD KNEE, BAD ANKLE

MEDICATIONS: LEXAPRO,

OTHER: _____

COMMENTS:

NOT A CERTIFIED COPY

CASE #: 18-011484

DEFENDANT: GARDNER, GEORGE LEE

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? YES

Where were you going? HOME

What Street or Highway were you on? MINER RD

What was you direction of travel? WEST

Where did you start from? HIGH RIDGE

What time did you start? BETWEEN 1030 AND 12

What time is it now? 1230

What is today's date? 25TH

What day of the week is it? SATURDAY, SUNDAY NOW

What City and County are you in now? BOYNTON BEACH, PALM BEACH COUNTY

When did you last eat? ABOUT 1230, NOON

What did you eat? CHICKEN SALAD

What have you been doing for the last three hours? TOOK SON OUT FOR HIS BIRTHDAY

How much do you weigh? 190

Have you been drinking? MININMUN

What have you been drinking? 2 RUM AND COKES

How much? 2

With whom? MY SON

When did you have your first drink? 830

When did you have your last drink? ABOUT 10

Can you feel the effects of the alcohol? I FEEL FINE, NO EFFECTS

Are you under the influence? NO

Have you consumed any alcohol since the stop/accident? NO

How much? - What? - Where? - When? -

What line of work are you in? MECHANIC

When did you last work? TODAY

Do you have any physical defects or injuries? YES What? BAD HEART

Are you sick or injured? YES What's wrong? BAD FOOT, BAD RIGHT ANKLE

Do you limp? YES

Did you receive a bump on the head recently? YES

Where you in an accident today? YES

Have you taken any drugs or smoked any marijuana today? NO When? -

Have you seen a doctor or dentist today? NO

Who? - Why? -

Are you taking any prescription medicines? YES

What? LEXAPRO When? ABOUT NOON

Do you have? Epilepsy NO Glass Eye NO False teeth NO
Ear infection NO Inner ear trouble YES Diabetes NO

Do you have any problems with you eyes that are not corrected by glasses? NIGHT VISION, NEAR SIGHTED

Do you take insulin? NO If so, when was your last injection? -

Have you ever gad a driver's license in any other state? NO

Where? -

Interviewer: OFFICER CASTRO #905

CASE #: 18-011484

DEFENDANT: GARDNER, GEORGE LEE

Arresting Officer: CASTRO #905

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

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

Name: OFFICER ADEA

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

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

Can testify to: THE INVESTIGATION

Name: LAMONGE, KENDRA

Address: 4201 OAK TERRACE DR, GREENACRES, FL, 33463

Phone Numbers: Home: _____ Work: _____

Can testify to: THE CRASH

Name: BANKS, NATHANIEL

Address: 70 SE 11TH ST, BOCA RATON, FL, 33432

Phone Numbers: Home: 954-658-7848 Work: _____

Can testify to: THE CRASH

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: _____