

0490724

FLORIDA HIGHWAY PATROL

2119

REPORT NUMBER
FHP99ARR140953
ARREST REPORT

Report Date / Time 08/19/2017 01:24 AM	Agency Case/Offense Number FHP17OFF066988	OCA Number	Operating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD150088
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LOCATION OF OCCURRENCE

County PALM BEACH	Address NB SR 9 NOF INDIANTOWN RD, JUPITER, FL 33478
Range of Occurrence Date/Time 08/19/2017 12:25 AM to 08/19/2017 03:08 AM	Latitude N 26 53.5914

Longitude
W 80 8.0674

PERSON: SUSPECT

First Name GUY	Middle Name OWEN	Last Name STEWART	Suffix	Date of Birth 12/09/1962	Age 54	Race W	Sex M	Height 600	Weight 185	Hair BRO	Eyes BLU
Master Name Index Number	Place of Birth DAYTONA BEACH	Nation USA	SSN		Driver's License or Other ID S363294624490	State FL	Class or Type E				
Address 2145 S MILITARY TRL	City WEST PALM BEACH	County PALM BEACH			State FL	Zip Code 33415	Phone				

CHARGES

Counts 1	Charge Number 162.21.6	Charge RESIST OFFICER	OK	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL				
REFUSE SIGN ACCEPT CODE ENFORCE CITATION						
Counts 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH	OK	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00

PROBABLE CAUSE

On the above date and time I was in service in Palm Beach County, FL. I was traveling northbound on Interstate 95 (State Road 9) north of Lantana Rd. (County Rd. 812) when a BOLO (Be On The Look Out) was dispatched for a silver in color van driving all over the road, unable to maintain a single lane and almost colliding into other vehicles traveling on the roadway northbound on Interstate 95 (State Road 9) north of 45th St. The witness who called in on the silver in color vehicle stayed land line with dispatch providing information on the silver in color vehicles location until a Trooper intercepted. I then advised dispatch that I would be enroute to the BOLO'd vehicle. After several minutes land line with the witness following the silver in color van dispatch was then advised that the silver in color van pulled off to the right paved emergency shoulder just south of Donald Ross Rd. and then began to travel northbound again on Interstate 95 (State Road 9). I then arrived in the area of where the BOLO'd vehicle was said to currently be traveling and advised the witness to activate their emergency hazard lights so I would be able to locate them. After making visual contact with the witness's vehicle I then observed the silver in color van in front of it still driving in a reckless manner and unable to maintain a single lane. I then observed the silver in color vehicle almost collide with another vehicle in the right outside lane in which I then activated my emergency lights and sirens in an attempt to conduct a traffic stop. The silver in color van then pulled off to the right paved emergency shoulder north of Indiantown and south of MM93 (Mile Marker). I then approached the silver in color vehicle on its right passenger side and observed a white male in the driver seat. The white male appeared to be in a confused state of mind looking straight ahead. I then advised the white male driver who I was and the reasoning of the traffic stop. The white male was later identified to be Guy Owen Stewart 12/09/1962. Mr. Stewart was then asked where he was traveling to. Mr. Stewart then advised me that he was going to Jupiter. Mr. Stewart was then asked if he knew where he was now. Mr. Stewart then advised that he was on 95. Mr. Stewart was then asked how much did he have to drink prior to driving. Mr. Stewart then advised me that he had a couple of beers. I could then smell the odor commonly associated with the smell of an unknown alcoholic beverage emitting from his breath as he spoke. I then observed Mr. Stewart's eyes to be red and glossy in color along with several open beer bottles in the vehicle. I then requested Mr. Stewart to remove the keys from the ignition and to step out of the vehicle. Due to not being in a well-lit area, for the safety of the subject and myself, I transported the subject back to the nearest exit which was Indiantown Rd. (State Road 706). We went to the Shell gas station to attempt to conduct the FSTs in the parking lot which was well-lit and safe from vehicular traffic. Upon arrival at the Shell gas station I then advised Mr. Stewart that I would now be requesting for him to perform a series of roadside exercises due to me having reason to believe he was driving under the influence of alcohol based of my observations and what he acknowledged me. Mr. Stewart was not giving me a yes or no answer and continued to talk around my question. I then requested again for Mr. Stewart to perform, with his consent, a series of roadside exercises. Mr. Stewart then advised me that he has seen plenty of videos of where that doesn't end well and advised me that he was not going to perform the exercises I have requested of him to perform. I then advised Mr. Stewart that if he refuses to consent to perform the series of roadside exercises I have requested of him to perform, that based of my observations of his driving patter, physical observations of himself and what he acknowledged me, that I would place him under arrest for driving under the influence. Mr. Stewart was then requested one more time to consent to the roadside exercises and again advised me he would not perform them. (See Roadside Tasks Sheet / 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. Stewart was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 01:10 AM. Mr. Stewart 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 1:45 AM. After the defendants 20 min observation he was then given the opportunity to provide a breath sample in which he refused at 02:07 AM. Mr. Stewart was then placed in a holding cell in which he continuously hit his head against the concrete wall and advised he was suicidal. The Palm Beach County Jail correction deputy's

2017/08/19

were then notified and after a 20min response time they advised me that they would not take him in and he was in my custody until my report was completed for them.

Video of the traffic stop, roadsides, and transport to the Palm Beach County Jail can be obtained through the FHP custodian. Video of the BAT can be obtained through the Palm Beach County records department.

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"/> Pro				<input type="checkbox"/>

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 01:10 AM	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 NB SR 9 NOF INDIANTOWN RD , JUPITER, FL 33478
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ARREST DELIVERED TO

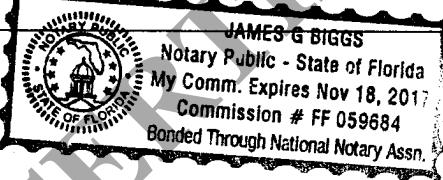
Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARRESTING OFFICER

Officer Call Number 1498	Officer Name SAYIH R. A.	Officer Signature <i>#3822</i>
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Subscribed and sworn to (or affirmed) before me this _____ day of _____ A.D., _____ by _____ who is _____ personally known to me or
has produced _____ as identification.

Thomas A. Nagy _____ Notary Public LEO CO Commission No: _____ My Commission Expires: _____
Signature



TESTING FACILITY TASK REPORT

AGENCY: FHP-SAYIH

SUBJECT: STEWART, GUY O

CASE NUMBER: 17-116650

DATE: Aug 19, 2017

VIDEO DVD NUMBER: 63224

BEGINNING TIME: 0205

ENDING TIME: 0209

BREATH TESTS RESULTS: 1) REF TIME 0207 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: J Biggs# 7607

MAINTENANCE TECHNICAN: D/S J Karklecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED, MUSHED MOUTH, TRAILING OFF

ATTITUDE: COOPERATIVE AT FIRST, CALM, THEN BECAME UPSET, VIOLENT, SUICIDAL

CLOTHING: ORANGE SHIRT, PLAID STYLE TAN SHORTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY, RED

ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

SUBJECT UNSTEADY ON FEET, SWAYING, STUMBLING AT TIMES

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0145
SUBJECT REFUSED THE TEST INITIALLY
IMPLIED CONSENT WAS READ TO THE SUBJECT
SUBJECT REFUSED THE TEST ONCE AGAIN
MIRANDA WAS READ
SUBJECT ANSWERED A FEW QUESTIONS THEN STOPPED

SCANNED

AUG 20 2017

SUBJECT: GUY O. STEWART

CASE NUMBER: PHPL170FF066988

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. R. 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 20 2017

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

GOLD - JAIL

SUBJECT: GUY O. STEWART

CASE NUMBER: FHPL17OFF066988

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? YES

WHERE WERE YOU GOING? HOME

WHAT STREET OR HIGHWAY WERE YOU ON? 95

DIRECTION OF TRAVEL? N 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? _____

SCANNED
AUG 20 2017

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: JPR. R. SMITH #3822
WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL