

0381102/1583

18CT 2869

ARREST / NOTICE TO APPEAR

A D M I N I S T R A T I O N	OBTS Number		Agency ORI Number 0500400		Agency Name Delray Beach Police Department		Agency Report Number (N.T.A.'s only) 4 0 18-002255		1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias		1	JUVENILE									
	Charge Type: Check as many as apply		1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 6. Other		If Weapon Seized Enter Type None/not Applicable		Multiple Clearance Indicator 2										
Location of Arrest (Including Name of Business) 1700 BLOCK N CONGRESS AVE, DELRAY BCH							Location of Offense (Business Name, Address) 1700 N CONGRESS AVE, DELRAY BEACH, FL 33445														
Date of Arrest 02/12/2018		Time of Arrest 18:40		Booking Date 02/12/2018		Booking Time 18:50		Jail Date		Jail Time		Location of Vehicle									
Name (Last, First, Middle) AVIRETT, JAMES ALFRED III							Alias (Name, DOB, Soc. Sec. #, Etc.)														
Race W - White B - Black		1 - American Indian O - Oriental/Asian		Date of Birth 05/27/1981		Height 6'00		Weight 185		Eye Color BLUE		Hair Color RED OR		Complexion FAIR		Build MEDIUM					
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)							Marital Status NON-DENOMI		Religion		Indication of: Alcohol Influence Drug Influence		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk <input type="checkbox"/>		Residence Type: 1. City 2. Country 3. Florida 4. Out of State		1 I				
Local Address (Street, Apt. Number) 2942 SW 22ND CIR 8A, DELRAY BEACH, FL 33445				(City) DELRAY BEACH		(State) FL		(Zip) 33445		Phone (561) 632-8496		Address Source PHYSICAL		Occupation							
Permanent Address (Street, Apt. Number) 2942 SW 22ND CIR 8A, DELRAY BEACH, FL 33445				(City) DELRAY BEACH		(State) FL		(Zip) 33445		Phone (561) 632-8496		Address Source PHYSICAL		Occupation							
Business Address (Name, Street) 2942 SW 22ND CIR 8A, DELRAY BEACH, FL 33445				(City) DELRAY BEACH		(State) FL		(Zip) 33445		Phone (561) 632-8496		Address Source PHYSICAL		Occupation							
D/L Number, State A163367045399 / MD				Soc. Sec. Number		DNS Number		Place of Birth (City, State) BALTIMORE, MD,		Citizenship US											
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		1. Arrested 2. At Large		3. Felony 4. Misdemeanor		5. Juvenile							
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		1. Arrested 2. At Large		3. Felony 4. Misdemeanor		5. Juvenile							
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian				Name (Last, First, Middle)		Residence Phone															
Address (Street, Apt. Number)				(City)		(State)		(Zip)		Business Phone											
Notified by: (Name)				Date		Time		JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 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 355-2526) informed of any change of address								School Attended		Grade											
<input type="checkbox"/> Yes, by: <input type="checkbox"/> No:				Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description of Property VEHICLES		Value of Property \$5,000													
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic		R. Struggle D. Deliver E. Use		K. Disperse/ Distribute		M. Manufacture/ Produce/ Cultivate		Z. Other		Drug Type N. N/A A. Amphetamine		B. Barbiturate C. Cocaine E. Heroin		H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetic		U. Unknown Z. Other	
Charge Description DUI-DAMAGE TO PERSON/PROPERTY								Statute Violation Number 316.193(3)(C)(1)		Violation of ORD #											
Drug Activity		Drug Type		Amount / Unit		Offense #		Counts		Domestic Violence		Warrant / Capias Number		Bond							
N		N		/		18-002255		1		<input type="checkbox"/> Y <input checked="" type="checkbox"/> N											
Charge Description REFUSAL TO SUMIT TO BAL TEST								Statute Violation Number 316.1939(4)(b) R.F		Violation of ORD #											
Drug Activity		Drug Type		Amount / Unit		Offense #		Counts		Domestic Violence		Warrant / Capias Number		Bond							
N		N		/		18-002255		1		<input type="checkbox"/> Y <input checked="" type="checkbox"/> N											
Health / Apparent Physical Condition of Defendant								Any knowledge of the following: Explain: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries													
Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Posted Bond				<input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> South County Mental Health				<input checked="" type="checkbox"/> T.O.T. County Jail		PROPERTY - Received By		Released By		Released To							
Transported By				Date Transported		Time Transported		Other													
<input checked="" type="checkbox"/> INSTRUCTION NO. 1 - Mandatory appearance in court <input type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.				Location (Court, Room) South County 200 W Atlantic Ave Delray Beach FL 33444		Court Date and Time 03/05/2018 08:30:00		No Photo Available													
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 WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.								Signature of Defendant (or Juvenile and Parent/Custodian)		Date Signed											
HOLD for Other Agency				Signature of Arresting Officer R. Florum				Name Verification (Printed by Arresting Officer) FEB 12 PM 10:38													
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal				<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other				Name of Arresting Officer (Print) FLORVIL, ROUMY		ID # 0957		PAGE 1 OF 1									
Intake Deputy D/S B. SHATARA #7623				ID #		Pouch #		Transporting Officer FLORVIL		ID # 957		Agency DELA		Witness here if subject signed with an "X".							

SCANNED FEB 14 2018

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 12TH DAY OF FEBRUARY 2018, AT 6:40 AM **(PM)**
SUBJECT: JAMES AVIRETT CASE NUMBER: 18-002255
AGENCY: DELRAY BEACH ARRESTING OFFICER: FLORVIL # 957

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)
On the above date and time, I responded to the 1700 block of N Congress Ave in reference to a crash. The driver of vehicle of 2 said that he was traveling northbound in the 1600 block of N Congress Ave and vehicle (V1) was traveling northbound. D2 said that driver 1 failed to stop and struck his vehicle. The left front of V1 struck the rear of V2. I observed extensive damage to both vehicles. The vehicle 1 that D1 was operating was a silver Jeep bearing the FL CFBF20.

I advised Avirett that I m conducting a criminal investigation. Avirett advised me that he was involved in the crash but refused to conduct a Roadside Field Sobriety Exercise . BDFR responded and transported the passenger of V2 to Delray Medical to be medically cleared. While at the scene, Avirett told that he had a few "sips" of drinks prior to the crash.

OBSERVATION OF DRIVER:

As I was talking to Avirett, I could smell a strong odor of an unknown alcoholic substance emanating from his breath. I handcuffed him behind his back using proper procedure and transported Avirett to Delray Medical to be medically cleared. Once Avirett was released, I transported him to the Palm Beach County BAT facility where he refused to submit to a breath test to determine his breath alcohol content. Upon making contact with Avirett, he appeared to be impaired, red, glassy eyes and slow dexterity. There was a strong odor of an unknown alcoholic beverage coming from his person. Avirett had difficulty standing on his own two feet.

DRIVER'S STATEMENTS:

Avirett stated that he was sipping on a few drinks prior to the crash but refused to answer any other questions.

ODORS:

Upon making contact with Avirett there was an odor of an unknown alcoholic beverage coming from his person.

GENERAL OBSERVATIONS

SPEECH: SLOW AND WAS NOT ABLE TO UNDERSTAND DRIVER'S STATEMENTS

ATTITUDE: TALKATIVE, RUDE, AND USE ABUSIVE LANGUAGE

CLOTHING: BLUE SHIRT, KHAKI PANTS, AND GRAY SNEAKERS.

MEDICAL PROBLEMS:

NONE STATED

MEDICATIONS: NONE STATED

OTHER:

IN CAR CAMERA VIDEO WAS TAKEN OF THE CRASH.

SCANNED

FEB 14 2018

SUBJECT: JAMES AVIRETT CASE NUMBER: 18-002255

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- LEFT EYE DOES NOT FOLLOW SMOOTHLY
- LEFT EYE JERKS AT 45 DEGREE ANGLE OR LESS
- DISTINCT JERKING LEFT EYE MAXIMUM DEVIATION
- RIGHT EYE DOES NOT FOLLOW SMOOTHLY
- RIGHT EYE JERKS AT 45 DEGREE ANGLE OR LESS
- DISTINCT JERKING RIGHT EYE MAXIMUM DEVIATION

CAN NOT DO, WHY? REFUSED TO PERFORM

WALK AND TURN:
WAS UNABLE TO PERFORM

CAN NOT DO, WHY? REFUSED TO PERFORM

ONE LEG STAND:

CAN NOT DO, WHY? REFUSED TO PERFORM

FINGER TO NOSE:
WAS UNABLE TO PERFORM

CAN NOT DO, WHY? REFUSED TO PERFORM

ROMBERG/ALPHABET:

CAN NOT DO, WHY? REFUSED TO PERFORM

BREATH TEST RESULTS: REFUSED

STATE OF FLORIDA
COUNTY OF PALM BEACH
THE FOLLOWING INSTRUMENT WAS NOTARIZED OR SWORN BEFORE ME THIS 02/12/18 (DATE)

BY: R. FORVIL

R. Forvil

FLORVIL # 957

SCANNED

FEB 14 2018