ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

ADMINISTRATIVE

OBTS Number			Juvenile
		1	N

Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 19097799

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized / Type: 2 (1. Yes 2. No) | Multiple Clearance Indicator: 1

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
S MILITARY TRAIL / SUMMIT BLVD	S MILITARY TRAIL / SUMMIT BLVD, WEST PALM BEACH FL 33415

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
07/28/2019	0201					SHEEHAN'S TOWING

DEFENDANT

Name (Last, First, Middle): BIRNBAUM, JASON, M

Alias (Name, DOB, Soc. Sec. #, Etc.):

Race (W - White I - American Indian B - Black O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	11/25/1982	6-00	200	BROWN	BROWN	LIGHT	MED

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description):

Marital Status: Single | Religion: JEWISH | Indication of: Alcohol Influence Y ☒ N ☐ Unk. ☐ / Drug Influence Y ☐ N ☐ Unk. ☒

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Residence Type (1. City 2. County 3. Florida 4. Out of State)
7815 RIDGEWOOD DRIVE , WEST PALM BEACH FL 33467	(561) 2832399	2

Permanent Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
,	( )	FL DL

Business Address (Name, Street) (City) (State) (Zip)	Phone	Occupation
	( )	Sales

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
B651433824250, FL	[redacted]		WHITE PLANES, NY	US

CO-DEF

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
				☐ ☐	☐ ☐ ☐

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Other: 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 Dept. and Released 2. TOT HRS / DYS 3. Incarcerated

Released To: (Name)	Relationship	Date	Time

The above address provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. ☐ Yes, by: (Name) ☐ No: (Reason)

School Attended | Grade

Property Crime? ☐ Yes ☒ No | Description of Property | Value of Property

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Dispense/ 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. Synthetics U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DRIVING UNDER THE INFLUENCE	1	☐Y ☒N	316.193(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		19097799		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address): Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561) 688-4600

Court Date and Time: Month August Day 29 Year 2019 Time 0830 AM ☒ PM

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 CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED

Signature of Defendant (or Juvenile and Parent /Custodian) — Date Signed: 07/28/2019

Received WB

FILED
JUL 28 2019
SHARON R. BOCK
Clerk & Comptroller

ADMIN

HOLD for other Agency Name:

Signature of Arresting Officer

Name Verification (Printed by Arrestee) (PRINT): AUG 02 2019

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Name of Arresting Officer (Print): J. MCCOY I.D. #: 33108

Intake Deputy I.D. # Pouch #

Transporting Officer: J. MCCOY ID #: 33108 Agency: PBSO

Witness here if subject signed with an "X"

PAGE 1 OF 1

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (N.T.A.'s ONLY)

PBSO #148 REV. 8/97

NOT A CERTIFIED COPY

OBTS Number

PROBABLE CAUSE AFFIDAVIT

1. Arrest 3. Request For Warrant 2. N.T.A. 4. Request For Capias | 1 | Juvenile | N

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	06 19-097799

Charge Type: Check as many as apply — ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes

Defendant Name (Last, First, Middle)			Race	Sex	Date of Birth
Birnbaum	Jason	M	W	M	11/25/1982

Charge	Charge
DUI	
Charge	Charge

Victim Name (Last, First, Middle)			Race	Sex	Date of Birth
State	Of	Florida			

Local Address (Street, Apt. Number)	City	State	Zip	Phone	Address Source
3228 Gun Club Road	West Palm Beach	FL	33415	561-688-3000	

Business Address (Street, Apt. Number)	City	State	Zip	Phone	Occupation

This Undersigned believes that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law:
The person taken into custody...

☒ committed the below acts in my presence.

☐ confessed to admitting to the below facts.

☒ was observed by D/S J.Williams who told D/S McCoy that he/she saw the arrested person commit the below acts.

☒ was found to have committed the below acts, resulting from (described) investigation.

On the 28th day of July 20 19 at 0127 ☒ AM ☐ PM

(Sunday) I observed a Black Toyota bearing FL Tag IFM Y57, traveling south bound on Military Trail through the intersection of Gun Club road, with no rear tail lights. As I got behind the vehicle I observed it slowly drift from the far right lane to far left turn lane as it approached the red light at S. Military Trail and Summit Blvd. The vehicle stopped at the light in the turn lane to proceed East on Summit Blvd. Just as the light turned green the vehicle then pulled out of the turn lane to proceed South on Military Trail.

I pulled behind the vehicle in a marked PBSO vehicle and activated my lights to initiate a traffic stop. The vehicle stopped in the road way and it was at this time I instructed the driver via my vehicle's PA system too pull into the parking lot of TD Bank located at 1031 S. Military Trail West Palm Beach, FL 33415

I approached the vehicle and I observed a white male driver later identified by his FL/DL as Birnbaum, Jason behind the wheel in the driver's seat. I began speaking with Birnbaum who had slurred speech with glossy eyes and appeared to be confused about where he was. Birnbaum stated he was headed home and was under the impression that he was on Lantana Road. Birnbaum's vehicle was facing S. Military Trail in the TD Bank parking lot and when asked what street he was on he stated Lantana. I also observed Birnbaum's vehicle with heavy front end damage. I asked Birnbaum what he hit, and he stated he hit his landlord's vehicle this morning, which he stated happen 45 minutes prior to me stopping him.

It was at this time I contacted D/S McCoy #33108, due, to my belief that Birnbaum's ability to drive was impaired. D/S McCoy arrived on scene at which time he took over this investigation.

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The foregoing instrument was sworn to and affirmed before me this 28th day of July 20 19 . by:

D/S J. Williams #31828
Name of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)

Signature of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)

D/S McCoy 33108
Name of Arresting/Investigating Officer

Signature of Arresting/Investigating Officer

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 28 DAY OF JULY 20 19, AT 0127 AM PM

SUBJECT: BIRNBAUM, JASON, M CASE NUMBER: 19097799

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: J. MCCOY

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

On 07/28/2019 at 0127 hours, I responded to the area of S Military Trail / Summit Boulevard, unincorporated West Palm Beach as a backup deputy for a traffic stop. Upon arrival, D/S J. Williams #31828 informed me he stopped the 2012 black Toyota Camry bearing Florida tag# IFMY57 for the vehicle not having any tail lights illuminating after dark. D/S J. Williams informed me of his concerning observations of the sole occupant of the vehicle who was later identified by his Florida Driver's License as W/M Jason M. Birnbaum (11/25/82) (See D/S J. Williams probable cause supplement).

It should be noted, the front right side bumper of the vehicle had heavy damage with fresh red paint transfer. In addition, the driver side rear tire was flat.

OBSERVATION OF DRIVER:

I made contact with the driver who was still seating inside the vehicle within the driver's seat. The driver was identified by his Florida Driver's License as W/M Jason M. Birnbaum (11/25/82). Birnbaum had blood shot red and glassy eyes and his speech was extremely slurred which made it difficult to understand him at times. He had thick - tongued which also caused his words to mumble as he spoke. Birnbaum face appeared extremely pail and white and his eyes were wondering off up into the sky as I spoke with him. I also observed that Birnbaum had on two different shoes on his feet.

I asked Birnbaum to step out of the vehicle to speak with me. As Birnbaum walked over to the front of my patrol vehicle which was parked in the parking lot of 1031 S Military Trial, I observed him stumbling over his own feet as he walked. Birnbaum was swaying from side to side approximately 2-3 inches as he was standing talking to me.

DRIVER'S STATEMENTS:

Birnbaum was extremely talkative and was not making much sense as he spoke. Birnbaum initially told me he was coming from his girlfriends residence where is located in either Boca Raton or Delray Beach and was currently going home. Birnbaum stated that he left his girlfriends residence around 1930 hours on 07/27/19. Birnbaum then changed his story and told me that he was coming from his residence and headed to Walmart before he was pulled over. Birnbaum then changed his story for the 3rd time and told me that he was on his way to Octapharma Plasma to donate blood but stated it wasn't open until 7AM.

Birnbaum also stated that he crashed into his landlords vehicle within the parking lot of his residence prior to the traffic stop. However, Birnbaum stated that he informed his landlord of the crash and is working it out amongst themselves. Deputy's searched the immediate area for possible crash victims with negative results.

ODORS:

No odors to note.

GENERAL OBSERVATIONS

SPEECH: **Slurred, Mumbled, Thick-tongued, Mush Mouth, low and raspy, confusing speech, drooling**

ATTITUDE: **Talkative, Confused, Disoriented**

CLOTHING: **Gray /purple Shirt, Blue Jeans, black Tennis Shoes**

MEDICAL/OTHER: **N/A**

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STATE OF FLORIDA
COUNTY OF PALM BEACH

J. MCCOY
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 28 day of July 20 19 by J. MCCOY

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced _____

Samantha Palmer (#24520)

Notary Public, Clerk of Court, Officer (F.S.S 117.10)

Notary Public State of Florida
Samantha Palmer
My Commission GG 233762
Expires 10/28/2022

SUBJECT: BIRNBAUM, JASON, M CASE NUMBER 19097799

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

WALK & TURN:
Refused

ONE LEG STAND:
Refused

FINGER TO NOSE:
Refused

ROMBERG ALPHABET:
Refused

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BREATH TEST RESULTS: 1) 0.000 | 2) 0.000 | 3) | 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

J. MCCOY
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 28 day of July 20 19 by J. MCCOY

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced _____

Samantha Palmer (#24520)
Notary Public, Clerk of Court, Officer (F.S.S 117.10)

Notary Public State of Florida
Samantha Palmer
My Commission GG 233762
Expires 10/28/2022

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006239 Software: 8100.27
Date of Test: 07/28/2019

Date of Last Agency Inspection: 07/19/2019
Observation Period Began: 03:18
Subject's Name: JASON M BIRNBAUM DOB: 11/25/1982 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	03:43
Air Blank	0.000	03:43
Control Test	0.080	03:43
Air Blank	0.000	03:44
Subject Sample #1	NSP*	03:47
Air Blank	0.000	03:47
Air Blank	0.000	03:49
Subject Sample #2	NSP*	03:53
Air Blank	0.000	03:53
Control Test	0.081	03:53
Air Blank	0.000	03:54
Diagnostics Check	OK	03:54

*No Sample Provided

Cylinder Lot: 00919080A3
Exp: 03/05/2021

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I SAMANTHA M PALMER, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 7/28/19
Signature

Sworn to (or affirmed) before me this 28 day of July, 2019

_____ D/S McCoy #33100
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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PALM BEACH COUNTY
SHERIFF'S OFFICE
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2019024547	**Date:** 07/29/2019
	Specialist Name/ID: AM/31562