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Arrest Report

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3627

FLORIDA HIGHWAY PATROL
P.O. BOX 16007, LAKE WORTH, FL 33416

Report Date / Time 10/18/2019 09:57 PM	Report Number FHP99ARR795393	Case Number/Cad Number FHPK19OFF060285 / LWRC19CAD189811	Reporting Officer Name DEVIS, M.
Originating Agency ORI	Occur Date Time Range 10/18/2019 17:36:37 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description STATE ROAD-91 (FLORIDA'S TURNPIKE) SB MM 91.5			
Street Number	Street FLORIDA'S TPKE SB	Apt/Lot/Bldg	City UNINCORPORATED	State FL	Zip Code 33413

Defendant

First Name JOHN	Middle Name ERIC	Last Name TYSON	Suffix	Race WHITE	Sex MALE	Height 509	Weight 215	Hair BLO	Eyes BRO
MNI #	SSN [REDACTED]	Date of Birth 02/01/1984	Age 35	Place of Birth WEST PALM BEACH FL UNITED STATES		Drivers License or other ID T250465840410		State FL	ID Type E
Address * RESIDENCE / 100 SHANNONDALE RD , CLOUD LAKE, FL 33406 /									

Arrest

Arrest Date/Time 10/18/2019 19:30 PM 7:36:00 PM	Arrest Location Type OTHER	Arrest Location Description STATE ROAD-91 (FLORIDA'S TURNPIKE) MM 86 TOLL PLAZA PARKING LOT				
Street Number	Street FLORIDA'S TPKE NB	Apt/Lot/Bldg	County PALM BEACH	City UNINCORPORATED	State FL	Zip Code 33413

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	☐ No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			
Bond Set by Court			
Bond Amount	☐ No Bond		
Bond Type(s) OCT 19 AM 4:32			

Probable Cause

On Friday, October 18, 2019 at approximately 5:36 P.M., I, Trooper (Tpr.) Miljen Devis (ID#1677) and Tpr. Omar Leslie (ID#1631) responded to a BOLO (Be on the lookout) by Lake Worth Regional Communications Center (LWRCC), in reference to a possible disable vehicle that Road Ranger stop

Arrest Report

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DS SCANNED
OCT 21/19 7622

Devis, M 4434

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out with, southbound near mile marker 97 on State Road-91 (Florida's Turnpike). Road Ranger, Luis Suarez, advised that he stopped out with the a dark green, GMC SUV on the right shoulder. Mr Suarez advised, the driver of the possible disable vehicle walked towards the Road Ranger truck in an unbalance and inconsistent pattern. Concern for the driver, Mr. Suarez asked the driver, are you ok? The driver replied, "ok". Unable to maintain his balance, the driver walked back to his vehicle and drove away. Concern for the driver's safety and other motorists, Mr. Suarez notified LWRCC and attempted to follow the vehicle. Mr. Suarez advised he lost sight of the vehicle but then found the same vehicle southbound near mile marker 91.5 on the right shoulder (See Road Ranger Luis Suarez witness statement).

Tpr. Leslie was first on scene (see Tpr. Leslie Supplement).

Upon my arrival at approximately 5:45 P.M., I made contact with the dark green, GMC SUV vehicle, bearing a Florida tag (D2JCT) on the right shoulder. I proceeded to conducted a wellness check on the driver. I observed the defendant, later identified by his Florida's driver license as (John Eric Tyson, DL # T250-465-84-041-0, D.O.B 02/01/1984) on the driver seat behind the wheel. The vehicle's keys were in the ignition with the vehicle turned off. No one else was present in the vehicle. The defendant was asked to step out of the vehicle. When the defendant walked around the front of his vehicle I observed the defendant movements were slow and deliberate. The defendant proceeded to sit on the guardrail to maintain his balance. I asked the defendant for his driver license and he handed to me a Florida Blue card advising it's his driver license. I asked again for his driver license. The defendant advised it may be in the console. The defendant went to the passenger door and began to look. Once the defendant searched the center console, he told me that he gave it to me. I informed the defendant he gave me his Florida Blue card, not the driver license. The defendant then advised, his license was in his wallet and that it must have fallen on the floor. Near the defendant, I immediately detected an obvious and strong odor of an unknown alcoholic beverage emitting from his person and face area. This odor intensified as the defendant spoke. The defendant eyes were glassy, dazed, and blood shot. Approximately 5:48 P.M., the defendant wife arrives on scene.

I then asked the defendant, where's his insurance and registration. While looking for his documents, I observed the defendant swaying back and forth.

The wife asked the defendant to check his pockets. His driver license was found in the right rear back pocket.

I then ask the defendant to walk towards my patrol vehicle. Walking, I observed the defendant swaying and reaching towards the guardrail with his left hand and quickly sits on the guardrail. I asked the defendant to step away from the guardrail to maintain his balance. With spontaneous utterance, the defendant stated, "I don't want to blow". Standing, the defendant then lost his balance and proceed to walk backwards and then forward. The defendant began to sway in a forward and backwards movement while standing.

The defendant was asked if he takes medication, he advised he has medication. Also informed me that

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his medication was in the front right seat. With permission from the defendant. I searched the front and rear of vehicle and found no medication. The defendant wife advised that he takes pain medication, antibiotics, and probiotics.

I asked the defendant where was he headed, he advised, to Davie Florida.

The defendant was asked if he's willing to perform the Standardize Field Sobriety Exercise (SFSE's), he stated yes.

When asked how did he get here, the defendant stated, "he drove".

At approximately 6:24 P.M., the defendant was informed he was detained with handcuffs (double locked) for transport. I transported the defendant to the nearest exit off 86 toll plaza parking lot for SFSE. The defendant was searched for his safety and mine.

Upon arrival at the toll parking lot, I positioned my patrol vehicle accordingly, facing a solid straight level white line, for the defendant to perform the exercises.

The defendant was taken out of the patrol vehicle and position in front of the patrol video camera to conduct the first exercise, The Horizontal Gaze Nystagmus. While explaining the exercise, the defendant kept sway slightly in an unsteady motion. The defendant was asked if he wears any contacts or glasses, he advised he does not. I then explained the exercise to the defendant and then began to perform the exercise. Before beginning, the defendant could not keep his balance and advised he could not perform the exercises because his head hurts too much due to trauma and decline to proceed with further exercises.

I asked the defendant if he wanted emergency medical service (EMS), he advised no. I advised LWRC to have EMS be in route to check on the defendant health. When EMS arrived on scene, Palm Beach Fire Rescue #47, Run # 19-110822, Lieutenant Tricia Kamalu, advised the defendant decided not to go to the hospital and that the defendant vital signs were ok.

At 7:30 P.M., based on the totality of circumstances, I determined that there was probable cause to believe that John E. Tyson, committed the offense of driving under the influence of alcohol beverages or chemical substances by being in actual physical control/ operating a motor vehicle as set forth in Florida Statute 877.111, or a controlled substances as set forth in Florida Statute 893 or any combination thereof, and was affected to the extent that his normal faculties were impaired, contrary to Florida Statute 316.193(1) and was taken into custody without incident. At approximately 7:36 P.M., I transported the defendant to the Palm Beach County jail. At approximately 8:00 P.M., I arrived at the Palm Beach County Jail, where I conducted a 20-minute observation on the defendant, where he did not drink, ingest, or regurgitate any foreign objects. At approximately 8:50 P.M., a refusal time was called, implied consent was read, and he invoked his Miranda rights. The defendant was subsequently booked without further incident.

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All of the above event occurred in Palm Beach County.

Note: My patrol vehicle is equipped with in car audio that is available upon request.

Jail Bookin Facility

Booking Date/Time 0.0000	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
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Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Number

Booking Comments

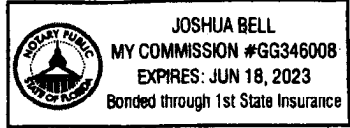
Court

Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994
	Court Apperance Date / Time 11/21/2019 8:30AM
Comments	

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
LESLIE, OMAR TROOPER 4370	OTHER	FLORIDA HIGHWAY PATROL FHPKILWRCCIWBPISR91 103-118
DEVIS, M. TROOPER 4434	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPKILWRCCIWBPISR91 73-88

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name DEVIS, M.	Office Rank TROOPER	Officer ID No 4434	Sworn and subscribed before me, the undersigned authority This the <u>19</u> day of <u>October</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature <i>M. Devis</i>			

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, DEVIS, M., a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FLORIDA HIGHWAY PATROL, and I do swear

(Name of law enforcement agency)

or affirm that on or about the 18 day of OCTOBER, 2019, at 20:50 ☒ P.M. ☐ A.M.

DRIVER JOHN ERIC TYSON
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# T250465840410, state of FL, was placed under lawful arrest for

316.193(1)
the offense of D.U.I. - DRIVING UNDER THE INFLUENCE (MISD... by DEVIS, M. and
(Name of Arresting Officer)

issued Citation # A76LH4E.

That on or about the 18 day of OCTOBER, 2019, at 20:50 ☒ P.M. ☐ A.M.
in PALM BEACH County,

I requested that the driver submit to a ☒breath and/or ☐urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

M. Davis

Signature of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

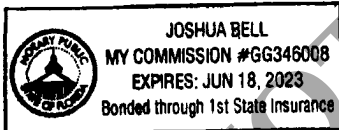
The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this 19 day of October, 2019,
by _____,

who is personally known to me or who has produced
_____ as identification.

Notary Public

HSMV-BAR1001 (REV. 10/2016)



PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 19-127722 PBSO ZONE 1-43

AGENCY CASE # FHPK190FF060285 CRASH CASE # N/A

TIME OF STOP/CRASH 5:43 DATE OCT 18, 2019 DAY FRIDAY

SUBJECT'S NAME JOHN ERIC TYSON RACE W SEX M

HGT 5'09 WGT 215 DOB 02/01/1984

LOCATION STATE ROAD-91 (FLORIDA'S TURNPIKE) SB MM 91.5

ARRESTING OFFICER'S NAME & ID MILTEN DEVIS 4434 AGENCY FLORIDA HIGHWAY PATROL

DIVISION: _____

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 20:18

BREATH RESULTS:

Arrest Time 19:30

1. **REFUSED**
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 7909 PBSO VIDEOTAPE # N/A

TESTING FACILITY TASK REPORT

AGENCY: FHP-K
SUBJECT: TYSON, JOHN E CASE NUMBER: 19-127722
DATE: 10/18/19 VIDEO TAPE NUMBER: N/A
BEGINNING TIME: 2046 ENDING TIME: 2050
BREATH TESTS RESULTS: 1) R TIME 2050 A.M./P.M. 2) N/A TIME — A.M./P.M.
3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.
BREATH OPERATOR: G PARENT #7909
MAINTENANCE TECHNICIAN: KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: THICK
ATTITUDE: CALM, QUIET, SARCASTIC AT TIMES, MOOD SWINGS
CLOTHING: GREY SHORTS, BLACK T-SHIRT, BLACK SANDALS
MEDICAL CONDITIONS: DIVERTICULITIS
MEDICATIONS: ANTI BIOTICS
OTHER: EYES GLASSY AND BLOODSHOT,

REFUSED

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE
OBSERVATION PERIOD AT 2018 HRS.

A STATED NO HE WOULD NOT TAKE TEST

A/O READ I/C

A STATED HE UNDERSTOOD I/C AND REFUSED TEST

A/O ATTEMPTED TO READ RIGHTS AND A INVOKED
HIS RIGHT TO COUNSEL, RIGHTS WERE NOT
READ AND NO Q+A WAS ATTEMPTED

REFUSED

SUBJECT: Tyson, John E. CASE NUMBER: FHPK190FF060285

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: _____

SUBJECT: TYSON, JOHN E.

CASE NUMBER: HPK19FF060285

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 TROOPER M. DEVIS of the FLORIDA HIGHWAY PATROL.

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) NOT READ ON CAMERA & INVOKED RIGHT



**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:	

REVIEW COMPLETED BY

Booking Number: 2019034017

Date: 10/20/2019

Specialist Name/ID: AM/31562