



Arrest Report

0510478/3044

NR

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

19CT15704ANB

Report Date / Time 8/25/2019 06:42 PM	Report Number FHP99ARR762619	Case Number/Cad Number FHPL19OFF056273 / LWRC19CAD156085	Reporting Officer Name MITCHELL, COLE E
Originating Agency ORI	Occur Date Time Range 08/25/2019 17:53:16 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description SB INTERSTATE 95 (STATE ROAD 9) @YAMATO RD
Street Number I-95 SB	Street	Apt/Lot/Bldg BOYNTON BEACH
City BOYNTON BEACH	State FL	Zip Code 33435

Defendant

First Name JOSEPH	Middle Name MICHAEL	Last Name BAITZ	Suffix	Race WHITE	Sex MALE	Height 507	Weight 185	Hair BLK	Eyes BRO
MNI #	SSN	Date of Birth 12/20/1994	Age 24	Place of Birth PLANTATION FL UNITED STATES	Drivers License or other ID B320493944600	State FL	ID Type E	Address * RESIDENCE / 23121 SW 56TH AVENUE , , FL 33433 /	

Arrest

Arrest Date/Time 8/25/2019 6:21:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description SB I95 EXIT RAMP TO SPANISH RIVER BLVD
Street Number	Street	Apt/Lot/Bldg
County PALM BEACH	City BOCA RATON	State FL
		Zip Code 33433

Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
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Bond Type(s)

Charge: DuI 316.193 OR

On Sunday, August 25th, 2019 at approximately 5:45 P.M. while on routine patrol in my marked patrol vehicle, a Be on the lookout (BOLO) was dispatched for a white Kia sedan that was traveling at a high rate of speed and all over the road unable to maintain a single lane. Dispatched advised the driver (WITNESS) had lost visual and was last seen traveling south near Gateway Blvd. At approximately 5:50 p.m. another BOLO was dispatched for the same white Kia sedan traveling southbound at a high rate of speed and all over the road, traveling on the shoulder and almost colliding with the median wall. At this time a caller was behind the vehicle and had sight of the vehicle. The caller was later to be identified as Terry Walters by his Florida Driver License. The caller advised the suspect vehicle had been all over the road and could not maintain a single lane and was traveling at a high rate of speed. At this time I was traveling south on the entrance ramp from Congress Ave to travel south on Interstate 95. I advised dispatch of my location and that I would be en route to the suspect vehicle. I then drove onto the right paved shoulder, southbound Interstate 95 just south of Congress Ave, in order to wait for

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the suspect vehicle to pass me. At approximately 5:56 p.m. I observed there to be a white in color Kia followed by a white in color Mercedes with its hazard lights activated. At that time I asked dispatch what the callers vehicle looked like. Dispatch advised the callers vehicle was a white Mercedes with its hazard lights on. I then advised dispatch that I had visual of the suspect vehicle. I then overtook the suspect vehicle and began to observe the driving pattern of the vehicle. The driver appeared to be maintaining a single lane but was weaving within the lane. The suspect driver then took the southbound exit ramp to Spanish River Blvd where I then conducted a traffic stop on the vehicle in order to conduct a welfare check on the driver based on what the witness observed as well as what I had observed prior to the traffic stop. Upon the suspect vehicle stopping on the left paved shoulder, I approached the vehicle on the drivers side. Upon making contact with the driver I observed the driver to be a white male who was later identified to be Joseph Baitz by his Florida Drivers License through FCIC/NCIC. Upon asking Joseph for his drivers license, registration and insurance, I noticed Joseph to be very nervous, had slurred speech and bloodshot watery eyes. Joseph also seemed to not want to make eye contact with me and I could smell the odor of an unknown alcoholic beverage coming from his breath and mouth area as well as inside the vehicle. Upon Joseph giving me the documents I asked for, he gave me his drivers license but also gave me a receipt to Jiffy Lube instead of his registration. I continued to ask Joseph where they were coming from, Joseph stated he was coming from Greenacres from a birthday party and was headed home. I asked if Joseph he had, had anything to drink to which Joseph stated no. I then asked Joseph if he would be willing to conduct a series of roadside exercises to which he asked if he had to. I advised him that they were not mandatory but would assist me in telling if he was okay to drive. He then advised he consented to the roadsides and would conduct the roadside exercises and comply with any direction given.

The area for the roadside exercises was on a slight decline to the left and clear of any debris. I asked Joseph if he would be able to conduct the roadsides on the surface provided to which he agreed it was on a slight decline, but would be able to conduct the roadsides. Joseph was asked if he had any problems with his eyes, suffered any head injuries or was currently taking any medication. Joseph stated no to all questions. I then asked if Joseph had any injuries that would prevent him from being able to perform any of the exercises. Joseph stated no. I observed during this questioning, that Joseph still was giving off an odor of an unknown alcoholic beverage coming from his breath and mouth area even once I removed him from the vehicle.

Horizontal Gaze Nystagmus:

Joseph had equal pupil size and equal tracking. Joseph had smooth pursuit in both eyes. Joseph showed distinct nystagmus at maximum deviation. Joseph also showed (SHOWED) onset of nystagmus prior to 45 degrees.

Walk and Turn Exercise:

Interaction phase:

- Joseph swayed in starting position.

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- Joseph started before telling to do so.
- The exercise was then explained and demonstrated.
- Joseph advised he understood the directions and didn't have any questions.
- Joseph was not taking heel to toe steps as directed on steps one through 9 on his first steps and one through nine on his second set of steps.
- Joseph took one extra step on his first set of steps.
- Joseph failed to turn around as directed.

One Leg Stand Exercise:

Interaction phase:

- Joseph swayed in the starting position.
- The exercise was explained and demonstrated.
- Joseph advised he understood the instructions and did not have any questions.
- Joseph did not raise his foot six inches off the ground as instructed.
- Joseph put his foot down during the exercise.
- Joseph exhibited leg and body tremors.

Finger to Nose Exercise:

Interaction phase:

- Joseph swayed in the starting position.
- The exercise was explained and demonstrated.
- Joseph advised he understood the instructions and had no questions.
- On Joseph's first attempt he touched the tip of his nose with the pad of his right finger.
- On Joseph's second attempt he touched the tip of his nose with the pad of his left finger.
- On Joseph's third attempt he touched the tip of his nose with the pad of his right finger.
- On Joseph's fourth attempt he touched the tip of his nose with the pad of his left finger.
- On Joseph's fifth attempt he touched the tip of his nose with the pad of his right finger.

Due to the totality of the circumstances Joseph was placed under arrest for DUI to Florida Statute 316.193 at 6:21 p.m. A search of Joseph was conducted prior to placing him in my marked patrol vehicle where he was then transported to Palm Beach County Jail in which he arrived at approximately 7:01 p.m. During transport Joseph was read miranda and was advised that he was under audio and video recording. Joseph stated on the way to the jail that he only had two shots of fireball and one Modelo beer. I also observed there to be and odor of an unknown alcoholic beverage coming from Joseph while he was in my patrol car. Inside the Palm Beach County Jail's breath and alcohol facility (BAT) Joseph began his 20 min observation period prior to being provided the opportunity to provide a breath sample. After the 20 min observation period Joseph was provided the opportunity to provide a breath sample to which he refused at 7:24p.m. Joseph was then read implied consent to which Joseph stated he understood but still refused to give a breath sample. Joseph was then read his constitutional warnings where he advised he understood and then asked to speak to an attorney at 7:25 p.m.

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Video of the roadside exercises and transport to the Palm Beach County jail can be obtained through the FHP custodian.

Video of the Palm Beach County BAT facility can be obtained through the Palm Beach County Sheriffs Office records department.

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 Booking Number

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Comments

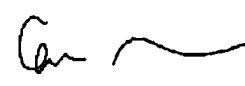
Court

Court County	Court Location		
Court	Court Phone	Court Apperance Date / Time	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
MITCHELL, COLE E TROOPER 4121	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL1LWRCC1PALM BEACHBROW LN TO SR804

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 MITCHELL, COLE E	Office Rank TROOPER	Officer ID No 4121	Sworn and subscribed before me, the undersigned authority This the ____ day of _____, _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: BAITZ, Joseph Michael CASE NUMBER: 19-108186

DATE: 08/25/19 VIDEO TAPE NUMBER: 111A

BEGINNING TIME: 1922 ENDING TIME: 1925

BREATH TESTS RESULTS: 1) _____ TIME 1924 A.M./P.M. 2) _____ TIME _____ A.M./P.M.

3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: S. Owen # 3184

MAINTENANCE TECHNICIAN: J. Karlecki # 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: _____

ATTITUDE: friendly, co-operative

CLOTHING: Jeans, black pants, black t-shirt

MEDICAL CONDITIONS: anxiety, PTSD (was a murder trial as witness)

MEDICATIONS: None

OTHER: 19 y.o.

(talked differently on video)

COMMENTS: A/O E.A. arrived at 1901 hrs

A/O showed 20 minutes

A/O requested breakfast, A refused

A/O read I/C, A understood, still refused

A/O read A/W, A understood rights

Refused (A/O asked for attorney)

SCANNED

AUG 26 2019

SCANNED

6 2019



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

PBSO CASE # 19-108186 PBSO ZONE 7-31

AGENCY CASE # FHPL190FF056273 CRASH CASE # _____

TIME OF STOP/CRASH 5:58 DATE 8/25/2019 DAY Sunday

SUBJECT'S NAME Joseph BAitz RACE W SEX M

HGT 6'00 WGT 185 DOB 12/20/1994

LOCATION SB I95 Exit Ramp to Spanish River Blvd.

ARRESTING OFFICER'S NAME & ID Cole Mitchell #121 AGENCY PBSO FHPL

DIVISION: _____

NOTIFIED BY COMMO yes

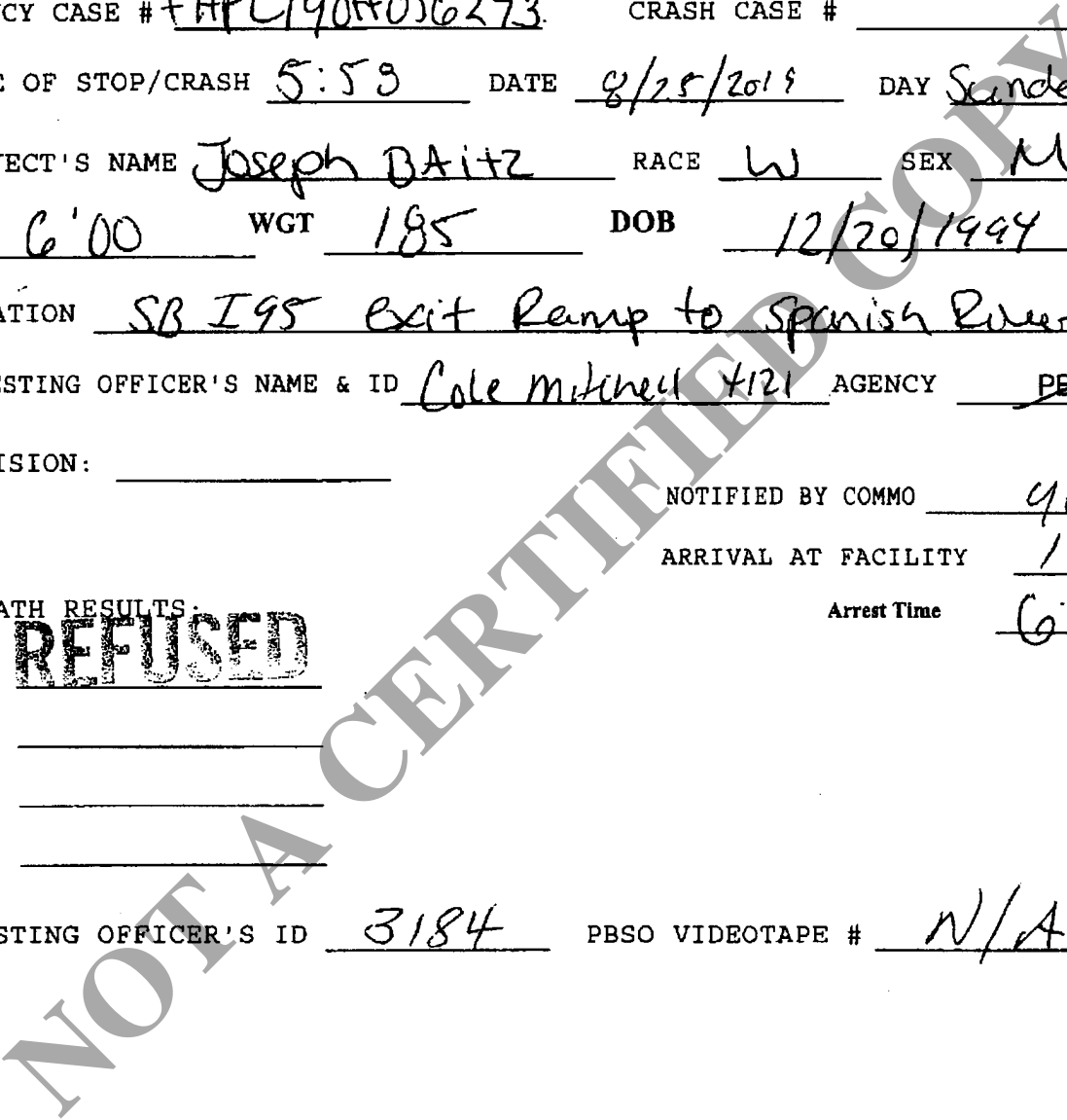
ARRIVAL AT FACILITY 1901

BREATH RESULTS:

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

Arrest Time 6:21 pm

TESTING OFFICER'S ID 3184 PBSO VIDEOTAPE # N/A



SCANNED
 AUG 26 2019



**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	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2019027887	Date: 08/26/2019
	Specialist Name/ID: AM/31562

UNANNOUNCED
AUG 26 2019