

17CF 912

ARREST / NOTICE TO APPEAR

PROBABLE CAUSE AFFIDAVIT

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

1

JUVENILE

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|---|---|---|--|----------------------|--|---|----------------|--------------|
| OBTs Number | | Agency ORI Number FL 0500200 Agency Name BOCA RATON POLICE DEPARTMENT | | | | Agency Report Number 3 2 2017-001267 | | |
| A D M I N | Charge Type: <input checked="" type="checkbox"/> 1. Felony <input checked="" type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance Check as many as apply. <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other | | | | Special Notes: | | | |
| | Name (Last, First, Middle) O'NEIL, KELLEN FRANCIS | | | | Alias | | Race W | Sex M |
| D E F C H A R G E S | Charge Description 316.193(1) DUI | | | | Charge Description 893.13(6A) POSSESSION OF CONTR SUBSTANCE | | | |
| | Charge Description 893.147(1B) POSS OF A PARAPHERNALIA | | | | Charge Description | | | |
| V I C T I M | Victim's Name (Last, First, Middle) STATE OF FLORIDA, Local Address (Street, Apt. Number) 100 NW 2ND AVE, BOCA RATON, FL 33432 | | | | Race U | | Date of Birth | |
| | (City) (State) (Zip) | | | | Phone (561) - | | Address Source | |
| Business Address (Name, Street) (City) (State) (Zip) | | | | Phone (561) - | | Occupation | | |

The undersigned certifies and swears that he/she has just and resonable 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 _____ who told _____ that he/she saw the arrested person committ the below acts.
 was found to have committed the below acts, resulting from my (described) investigation.

On the 26 day of January, 2017 at 03:54 (Specifically include facts constituting cause for arrest.)

On 01/26/17 at 0304 hours, I responded to 1200 South Military Trail (Parkside) in reference to a back-up request from Officer Fong (ID#763).

Officer Fong responded to the aforementioned address in reference to a suspicious silver Chevrolet (FL tag HHYY28) with it hazards on and the tires were blown.

Upon arrival, I observed the Chevrolet parked at the entrance of Parkside adjacent to the security gatehouse. The vehicles two left tires were blown. When I approached the vehicle I observed a white male, later identified by his FL DL as Kellen O'neil. I spoke to O'neil and asked him how his left two tires got blown. He stated he hit the curb at an unknown location while driving to his friend's house somewhere on Military. While speaking to O'neil I observed possible signs of impairment; O'neil was slurring his words, his eyes were glassy and red, and he swayed back and forth several times. I asked O'neil if he had been drinking tonight and he advised he drank one margarita at Chili's at approximately 1800 hours on 01/25/17.

Due to my observations I asked O'neil if he would be willing to participate in some Standardized Field Sobriety Tasks to dispel my alarm that he is driving impaired. O'neil stated, "yes". I asked O'neil if he had any medical issues or injuries. He stated "no". O'neil also stated that he had an associates degree from Palm Beach State College. It should be noted that we were on a flat smooth dry surface.

The first task was the horizontal gaze nystagmus. O'neil was swaying side to side while standing. There was a lack of smooth pursuit in each eye. There was distinct and sustained nystagmus at maximum deviation in each eye. There was an onset of nystagmus prior to 45 degrees in each eye.

The second task was the walk and turn, O'neil advised that he understood the

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| A D M I N I S T R A T I V E | SWEORN AND SUBSCRIBED BEFORE ME  DALY, MICHAEL D. | |
| | NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 01/26/2017 DATE | |


113
SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

GRAHAM, DALE LEO (773)
NAME OF OFFICER (PLEASE PRINT)

01/26/2017
DATE

PAGE
1 OF 2

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.

| | | | | | | | |
|-----------------------|----------------------------|---|---|---|--|---|---------------|
| A D M I N | OBTS Number | | PROBABLE CAUSE AFFIDAVIT SUPPLEMENT | | | 1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias | 1 JUVENILE |
| | Agency ORI Number | Agency Name | BOCA RATON POLICE DEPARTMENT | | Agency Report Number | | |
| | FL 0500200 | Charge Type: Check as many as apply: | <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony | <input checked="" type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor | <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other | Special Notes: | |
| D E F | Name (Last, First, Middle) | | Alias | | Race | Sex | Date of Birth |
| | O'NEIL, KELLEN FRANCIS | | | | W | M | 01/27/1996 |

instructions. O'neil could not maintain the starting position as he was instructed. O'neil did not have his arms at his side and did not stay still. He was swaying back and forth. O'neil did not stay on the line on the pavement, both on the way forward and the way back. He failed to maintain his balance while conducting the heel to toe, and he made an improper turn. O'neil failed to complete the task as instructed.

The third task was the Romberg Alphabet. O'neil completed the task without incident.

The fourth task was the finger to nose (L-R-L-R-R-L). O'neil completed the task without incident.

The Fifth task was the one leg stand. O'neil was unable to maintain the starting position. He was swaying back and forth and did not keep his arms to his side. He failed to look at his toe like he was instructed. O'neil put his foot down several times. O'neil did not follow the instructions even though he stated he understood them.

The sixth task was for O'neil to count from 25 to 75, with his hands and feet at his side, his eyes closed and his head titled back. O'neil completed the task without incident.

At 0354 hours, I placed O'neil under arrest. The vehicle was towed by West Way Towing. Post search to arrest a white pill inside of a container was found in O'neil's right pocket during my search of his persons. I contacted Poison control and described the pill to them. Operator Eddie (Case # M3557971) advised that the pill was a 2mg Xanax pill (Schedule 4).

I transported O'neil to BRPD to be processed. Officer Reissi (ID#776) conducted the Intoxilyzer 8000 testing. I asked O'neil to provide a breath sample. He stated, "No". I read him Implied Consent. He had no questions and understood. I asked him again to provide a breath sample and he stated, "No". O'neil was charged with DUI FSS 316.193(1). My in car video (262) was classified as evidence. O'neil was additionally charged for possession of a controlled substance F.S.S. 893.13(6A) and possession of paraphernalia F.S.S. 893.147(1B). After processing, he was transported to The Palm Beach County Jail.

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|--|---|--------------------------------|--|------|----------------|
| A D M I N I S T R A T I V E | SWEARN AND SUBSCRIBED BEFORE ME | | SIGNATURE OF ARRESTING / INVESTIGATING OFFICER | | PAGE 2 OF 2 |
| |  DAILY, MICHAEL D | |  GRAHAM, DALE LEO (773) | | |
| NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) | | NAME OF OFFICER (PLEASE PRINT) | | | |
| 01/26/2017 | | 01/26/2017 | | DATE | |
| DATE | | | | | |