

Agency ORI Number: **0500800** Agency Name: **West Palm Beach Police Department** Agency Report Number (N.T.A.'s only): **9, 4** 2018-0005872 **8CT6140**

Charge Type:  1. Felony  2. Traffic Felony  3. Misdemeanor  4. Traffic Misdemeanor  5. Ordinance  6. Other

Location of Arrest (Including Name of Business): **4300 BLK N AUSTRALIAN AVE WPB 33407** Location of Offense (Business Name, Address): **4300 N AUSTRALIAN AVE BLK, WEST PALM BEACH, FL 33407**

Date of Arrest: **04/05/2018** Time of Arrest: **12:07** Booking Date: **04/05/2018** Booking Time: **12:17** Jail Date: Location of Vehicle: **SHEEHANS TOWING**

Name (Last, First, Middle): **MC KENDREE-MILLER, MARISA ANN** Alias: \_\_\_\_\_

Race: **W - White** Sex: **F** Date of Birth: **10/15/1979** Height: **5'11** Weight: **160** Eye Color: **HAZEL** Hair Color: **BROWN** Complexion: **MEDIUM** Build: \_\_\_\_\_

Local Address (Street, Apt. Number): **3336 SW 16TH CT, FORT LAUDERDALE, FL 33312** Phone: **(000) 000-0000**

Permanent Address (Street, Apt. Number): **3336 SW 16TH CT, FORT LAUDERDALE, FL 33312** Phone: **(000) 000-0000** Address Source: **DAVID**

Business Address (Name, Street): \_\_\_\_\_ Phone: \_\_\_\_\_ Occupation: **Boat Crew**

D/L Number, State: **M253541798750 / FL** Soc. Sec. Number: \_\_\_\_\_ DNS Number: \_\_\_\_\_ Place of Birth (City, State): **NORFOLK, VA, United** Citizenship: **US**

Co-Defendant Name (Last, First, Middle): \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Co-Defendant Name (Last, First, Middle): \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Parent / Legal Custodian: \_\_\_\_\_ Name (Last, First, Middle): \_\_\_\_\_ Address (Street, Apt. Number): \_\_\_\_\_ (City): \_\_\_\_\_ (State): \_\_\_\_\_ (Zip): \_\_\_\_\_

Notified by: (Name) \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Released To: (Name) \_\_\_\_\_ Relationship: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

The above address was provided by  defendant and/or  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.

Property Crime?  Yes  No Description of Property: \_\_\_\_\_ Value of Property: \_\_\_\_\_

Charge Description: **DRIVING WHILE UNDER INFLUENCE** Statute Violation Number: **316.193(1)** Violation of ORD #: \_\_\_\_\_

Drug Activity: **N** Drug Type: **N** Amount / Unit: **/** Offense #: **2018-0005872** Counts: **1** Domestic Violence:  Y  N Warrant / Capias Number: \_\_\_\_\_ Bond: \_\_\_\_\_

Health / Apparent Physical Condition of Defendant: \_\_\_\_\_ Any knowledge of the following:  Mental  Escape Risk  Medication  Deformities  Injuries

Check which applies:  Released O.R.  Released to Parent/Guardian  T.O.T. County Jail  PROPERTY - Received By \_\_\_\_\_ Released By \_\_\_\_\_ Released To \_\_\_\_\_

Transported By: \_\_\_\_\_ Date Transported: **//** Time Transported: **12:17** Other: \_\_\_\_\_

INSTRUCTION NO. 1 - Mandatory appearance in court  
 INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): **Criminal Justice CRIMINAL JUSTICE COMPLEX**  
Court Date and Time: **05/10/2018 08:30:00** **3228 GUN CLUB ROAD**

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): **Marisa Miller** Date Signed: **4/15/18**

Signature of Arresting Officer: **DILLARD, DANIEL** ID.#: **01843**

Name Verification (Printed by Arrestee): \_\_\_\_\_ (PRINT)

Intake Deputy: **D. DILLARD** ID.#: **1843** Agency: **WPB**

Page: **1 OF 1**

0497185

NH

844

SCANNED

# DUI PROBABLE CAUSE AFFIDAVIT

On the 5th Day of April, 2018 at 10:10 A.M. P.M.

Subject: Mckendree-Miller, Marisa Case Number: 2018-0005872

Agency: West Palm Beach Police Department Arresting Officer: Inv. Daniel Dillard #1843

## Personal Contact

**Driving Pattern** Actual physical control (physical evidence putting the driver behind the wheel)

I responded to the 4300 Blk. of N. Australian Ave. in reference to a hit and run involving a possible impaired driver. Upon arrival I made contact with Shane Brown who was the initial caller. Brown stated he was traveling North on Broadway and turned left onto 45th Street. He noticed a black Navigator make the turn behind him and leave the roadway up onto the grass. While traveling West on 45th St. he observed the Navigator switch to the left lane and while in the process it collided with the left rear corner of his truck. Brown stated the Navigator continued West with no attempt to stop. Brown flagged down a PISO deputy in the 1100 Blk. of 45th St. and advised him of the incident. Once the traffic stop was conducted by the deputy Brown arrived and verified it was the driver and the vehicle that struck his. Brown stated due to the minimal damage to his vehicle he did not wish to file a crash report. I made contact with D/S Hector Pena #4109. He stated Brown flagged him down in the 1100 Blk. of 45th St. in reference to the hit and run. D/S Pena stated he caught up to the Navigator as it approached N. Australian Avenue. The vehicle continued West through the intersection but stopped at Irwin Ave. where it made a u-turn and proceeded East back toward Australian. The Navigator turned South on N. Australian Ave. at which time D/S Pena initiated a traffic stop. The vehicle came to a stop in front of 4317 N. Australian Avenue. D/S Pena stood by until WPBPD units arrived. The Navigator was still on scene and the driver was still in the vehicle. The driver who was the sole occupant of the vehicle identified herself as Marisa Mckendree-Miller. Her identity was verified through DAVID.

**Observation of Driver**

Upon making contact with the driver she was sitting in the driver seat. Upon exiting her vehicle she stumbled and she appeared to stutter step. While standing still I noticed body tremors throughout her torso and legs. While speaking with her she continued to ramble and her sentences did not make sense. The driver also appeared to be sweating profusely.

**Drivers Statements:**

I advised the driver the crash investigation was complete however the other party did not wish to file a crash report. I advised the driver I was now conducting a DUI investigation. Post Miranda I conducted an interview. As stated above it was difficult to understand what the driver was attempting to state due to her rambling and not using proper words in her sentences. What I was able to gather was the driver stated she went to PNC Bank and was going to her friends house where she was staying. The driver could not provide an address but stated it was in the area. The driver stated she had nothing to drink and had been up quite a few hours. The driver stated she did not take any illegal or illicit narcotics. The driver consented to roadside tasks.

**Odors:**

None

## General Observations

**Speech:** fast, rambling

**Attitude:** calm and passive

**Clothing:** Black and white dress/black sandals

**Medical Problems/Medications:** None

**Other:** No physical defects or injuries, no prescription lenses, no injuries or defects, no surgeries, not diabetic, not epileptic.

**SCANNED**  
**APR 06 2018**

# DUI PROBABLE CAUSE AFFIDAVIT

Subject: Mckendree-Miller, Marisa Case Number: 2018-0005872

## Roadside Tasks

### Horizontal Gaze Nystagmus

- |   |  |
|---|--|
| <input type="checkbox"/> Left Eye Does Not Follow Smoothly              | <input type="checkbox"/> Right Eye Does Not Follow Smoothly              |
| <input type="checkbox"/> Left Eye Jerks at 45 Degree Angle or Less      | <input type="checkbox"/> Right Eye Jerks at 45 Degree Angle or Less      |
| <input type="checkbox"/> Distinct Jerking Left Eye at Maximum Deviation | <input type="checkbox"/> Distinct Jerking Right Eye at Maximum Deviation |

While conducting this exercise I did not observe any HGN or VGN. I observed eye lid tremors and body tremors. I had to remind the driver several times to keep her eyes on the stimulus.

### Walk and Turn Task

Prior to beginning the exercise the driver removed her shoes. I instructed the driver to stand with her right foot in front of her left foot. The driver immediately did this and began walking the line. I stopped the driver and again explained how to stand and told her not to move or begin until told to do so. I explained and demonstrated the exercise and the driver stated she understood the instructions. Once told to begin the driver took 12 steps instead of 9 as instructed. The stepped completely off of the line on step 2. After the 12th step the driver stopped and lost balance taking 2 large steps to the left into the grass. I had to remind the driver to turn around and take 9 steps back. The driver stepped completely off of the line on step 1. The driver did not count out loud as instructed. I observed body tremors on the driver.

### One Leg Stand

I had the driver stand with her feet together and hands down at her side. I explained and demonstrated the exercise and the driver stated she understood the instructions. Once told to begin the driver lifted her right leg off of the ground. The driver put her foot down three times. The driver did not count out loud as instructed. I observed body tremors on the driver.

### Finger To Nose

I had the driver stand with her feet together and index fingers pointed straight out. I explained and demonstrated the exercise to the driver and she stated she understood. I instructed the driver to tilt her head back and close her eyes. On the first left and right driver brought the respective finger toward the respective ear and did not make contact. On the second left and right the driver brought the respective finger up and pointed it up in the air. On the third right the driver brought her right finger behind her head pointed it back. On the third left the driver brought her left finger up and pointed it up in the air.

### Romberg Balance

The driver stated her highest level of education was her 2nd year of college. She stated she did know the alphabet. I asked the driver if she could recite the alphabet from A to Z and she stated I think so. I had the driver stand with her eyes closed and head tilted back. When told to begin the driver lifted her let leg up and counted to 4. While lifting her leg she set her foot down 3 times. The driver made no attempt to recite the alphabet. I observed body tremors on the driver.

## Breath Results from Instrument

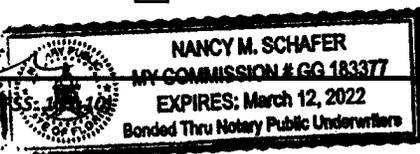
1st Result 0.000    2nd Result 0.000    3rd Result    
If Applicable

State of Florida  
County of Palm Beach  
The Following Instrument was notarized or sworn before me this

**SCANNED**  
4-5-18    **APR 06 2018**  
(DATE)

- Personally Known     Produced Identification     Notary Public

*Nancy M. Schaffer*  
Notary / Clerk of Courts / Officer



Inv. Daniel Dillard #1843  
*[Signature]*  
Signature of Arresting Officer

# TESTING FACILITY TASK REPORT

AGENCY: West Palm Beach Police Dept.

SUBJECT: McKendree-Miller, Marissa A.

CASE NUMBER: 18058799

DATE: 04/05/2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 13:48 / 16:09

ENDING TIME: 14:07 / 16:12

BREATH TESTS RESULTS: 1) .000 TIME 13:55 A.M.  P.M.  2) .000 TIME 13:58 A.M.  P.M.   
3) REF TIME 16:29 A.M.  P.M.  4) TIME A.M.  P.M.

BREATH OPERATOR: N. Schafer, #2644

MAINTENANCE TECHNICIAN: J. Karlecke, #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred at times. Random - comments off subject when asked questions.

ATTITUDE: Cooperative

CLOTHING: Black sleeveless dress with white print, black socks, black slides

MEDICAL CONDITIONS: "not particularly"

MEDICATIONS: "no"

## OTHER:

Disheveled, glassy eyes, fidgety - leg shaking, off-balance

## COMMENTS:

A/O observed subject for 20 minutes.

Subject agreed to breath test and provided 2 samples, as instructed. .000/.000  
Subject began shaking while blowing.

I explained results.

A/O requested urine and subject agreed.

A/O read constitutional warnings and began Q & A.

Subject had difficulty answering questions asked (see video).

Then subject decided she did not wish to answer any more questions - ending time 14:07.

Subject attempted to provide urine, but was unable to do so. Subject drank 2 cups of water. 2nd attempt to collect urine at 1445 - subject still unable to provide urine. Gave subject a large cup of water. Another attempt to collect urine - negative results. At 16:09, Implied consent was read on camera. Subject had a total of 4 cups of water and was still unable to provide urine. Refusal taken at 16:29 hours.

Hair: brown Eyes: hazel

SCANNED  
APR 06 2018

SUBJECT: McKendree Miller, Monica A. CASE NUMBER: \_\_\_\_\_

## 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 SAV. DAVIDE DUCINO of the WEST PALM BEACH POLICE DEPT

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) \_\_\_\_\_

## 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) CA VIOLO

SCANNED

APR 06 2018

SUBJECT: McKenna M. 16c, M... A. CASE NUMBER: \_\_\_\_\_

## 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? yes

WHERE WERE YOU GOING? my sister's house

WHAT STREET OR HIGHWAY WERE YOU ON? Highway 101

DIRECTION OF TRAVEL? west WHERE DID YOU START? from 101 north

WHAT TIME DID YOU START? from 101 north WHAT TIME IS IT NOW? 11:00 PM

WHAT IS TODAY'S DATE? 4/6/18 WHAT DAY OF THE WEEK IS IT? Thursday

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: J. D. ... #153

WHITE - STATE ATTY.      YELLOW - DHSMV      PINK - CENTRAL RECORDS      GOLD - JAIL

SCANNED

APR 06 2018