



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

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Report Date / Time 6/5/2019 7:33:33PM	Report Number FHP99ARR803978	Case Number/CAD Number FHPL19OFF036884 / LWRC19CAD101598	Reporting Officer Name MCWHERTER, P.
Originating Agency ORI FL0509000	Occurrence Date Time Range 6/ 5/2019 7:01:16 PM -	Jurisdiction	Clearance

Location of Occurrence

Location Type PUBLIC PLACE	Location Description NOF		
Street Number 1-95 NB	Apt/Lot/Bldg		
County PALM BEACH	City PALM BEACH GARDENS	State FL	Zip 33410

Defendant

First Name MARK	Middle Name DAVID	Last Name MOFFITT	Suffix	Date Of Birth 9/5/1976	Age 42	Race WHITE	Sex MALE
SSN	MNI #	Place of Birth FORT HUACHUCA, AZ, US	Height 510	Weight 160	Hair BRO	Eyes GREY	
DL or ID Number M130544763250	ID State FL	ID Type E	Address Type RESIDENCE				
Street Number 4318	Street S MARY CIR	Apt/Lot/Bldg					
County PALM BEACH	City PALM BEACH GARDENS	State FL	Zip 33410	Phone Number	Extension		
Location Description							

Arrest

Arrest Date/Time 6/5/2019 7:17:13PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description
Street Number 1-95 NB	Apt/Lot/Bldg	County PALM BEACH
City PALM BEACH GARDENS	State FL	Zip 33410

Charge(s)

Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 0.00	☐ No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description DUI ALCOHOL OR DRUGS				

Probable Cause

On 06-05-2019 at approximately 18:55 hours, while patrolling southbound State Road 9 (Interstate 95) north of Military Trail, I observed smoke coming from the northbound side of the roadway. I activated my emergency lights and siren to get to the smoke as quickly as possible. A pedestrian was waving me down to the vehicle and I arrived on scene at approximately 19:00 hours. The pedestrian was later identified as Deputy Nesbitt out of Indian River County. I exited my vehicle and asked if everything was alright. Deputy Nesbitt informed me that the other driver was not alright. The deputy stated that he observed the driver of the vehicle cross lanes of traffic suddenly, hit a concrete median barrier, and continue traveling northbound with no tire. The deputy stated at that point he attempted to position his vehicle in order to stop the vehicle, when I arrived on scene.

I observed a white male wearing a grey shirt, blue jeans, and sandals after talking with the deputy. The deputy stated this male was the driver. I obtained the driver's license and ran it through our dispatch. The license came back to Mark

Arrest Report

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David Moffitt. I observed the driver sway back and forth, use his vehicle for balance, and stumble prior to my interview of Mr. Moffitt. While speaking to Mr. Moffitt I was able to hear a slur in his voice and Mr. Moffitt was unable to formulate cohesive sentences. I informed Mr. Moffitt of my observations and asked if he would like to perform Standardized Field Sobriety Exercises. Mr. Moffitt agreed to perform the exercises.

I first informed Mr. Moffitt of the instructions and asked if he had any questions. Mr. Moffitt stated he had no questions. Mr. Moffitt failed to follow my extended handcuff key without moving his head. Mr. Moffitt's eyes failed to move with smooth pursuit. Mr. Moffitt stated that his head "did not move at all" during the exercise.

I then instructed and demonstrated the walk-and-turn for Mr. Moffitt. I asked Mr. Moffitt if he had any questions and stated he did not. Mr. Moffitt did not start in the proper position. Mr. Moffitt did not walk heel-to-toe. Mr. Moffitt took more than 9 steps in both directions. Mr. Moffitt did not properly turn around. Mr. Moffitt stumbled during the exercise.

I lastly explained and demonstrated the one-leg stand. I again asked Mr. Moffitt if he had any questions. He did not. Mr. Moffitt used his hands for balance, failed to count out loud, and got to 6 seconds before I terminated the exercise for his safety.

At 19:17 hours I placed Mr. Moffitt under arrest for DUI. I searched Mr. Moffitt's pockets incident to arrest and found no contraband. I inventoried Mr. Moffitt's vehicle and towed it from the scene due to the vehicle being rendered useless from Mr. Moffitt's previous driving.

Mr. Moffitt admitted multiple times in my patrol vehicle that he was sorry. Mr. Moffitt also complained that he had to urinate and stated he would urinate in my car. Mr. Moffitt did not urinate in my vehicle.

When I arrived at the jail I read Mr. Moffitt implied consent and asked for a sample of his urine. Mr. Moffitt stated he would refuse urine. I also informed Mr. Moffitt that a refusal would mean losing his license and he stated he still wished to refuse. Refusal time was 19:51pm.

Based on my observations and the refusal to submit to a urine test by Mr. Moffitt I turned him over to Palm Beach County Jail for processing. All events occurred in Palm Beach County. Mr. Moffitt's vehicle was towed from the scene and most of his belongings were left in his vehicle per his request.

Jail Booking Facility

Booking Date/Time	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

Court

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time	Court Fine
Comments			

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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 MCWHERTER, P.	Officer Rank TROOPER	Officer ID No 4188	Sworn and subscribed before me, the undersigned authority This the ____ day of _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature 			

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

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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)
I/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	☐	539.003	Other: Florida Pawnbroking Act	
	☐	119.0712(2)(j)1	Other: Documents regarding victims which are received by an agency	

REVIEW COMPLETED BY

Booking Number: 2019018616	Date: 06/06/2019
	Specialist Name/ID: WATSON/6665

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