05000073 - 158

19CT4472

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

1 Juvenile

OBTS Number

Agency Report Number (N.T.A.'s only) 78-19-001493

Agency ORI Number FLO 5 0 2 6 0 0

Agency Name PALM BEACH GARDENS POLICE DEPT.

If Weapon Seized Enter Type

Multiple Clearance Indicator

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Location of Offense (Business Name, Address) SAME

Location of Arrest (Including Name of Business) 4000 Blk Hwy Drive, PBG FL 33410

Location of Vehicle Kauffs Towing

Date of Arrest 03/09/19 Time of Arrest 17:14 Booking Date Booking Time Jail Date Jail Time

Alias (Name, DOB, Soc. Sec. #, Etc.)

DEFENDANT

Name (Last, First, Middle) Middleton, Mark Kevin

Race W - White B - Black I - American Indian O - Oriental W Sex M Date of Birth 08/27/59 Height 5'09" Weight 190 Eye Color Blue Hair Color Gry Complexion Fair Build MED

Marital Status M Religion Christian Indication of: Alcohol Influence ☒ Y ☐ N ☐ Unk. Drug Influence ☐ ☐ ☐

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description) NONE

Residence Type: 1. City 2. County 3. Florida 4. Out of State 1

Local Address (Street, Apt. Number) 4340 Fuschia Circle N, (City) PBG (State) FL (Zip) 33410 Phone (561) 7190028

Address Source FL DL

Permanent Address (Street, Apt. Number) SAME (City) (State) (Zip) Phone ( )

Occupation Water Filtration

Business Address (Name, Street) (City) (State) (Zip) Phone ( )

Place of Birth (City, State) PBG, FL Citizenship US

D/L Number, State M34355159307 U Soc. Sec. Number [redacted] INS Number

CO-DEF.

Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

Parent Legal Custodian Other: Name (Last) (First) (Middle) Residence Phone ( )

(City) (State) (Zip) Business Phone ( )

Address (Street, Apt. Number)

Notified by: (Name) Date Time Juvenile Disposition 1. Handled/Processed within Dept. and Released 2. TOT DCF 3. Incarcerated MHR Date 3-9-19 Time 8:35

Relationship

Released To: (Name) School Attended Grade

The above address was provided by ☐ defendant and / or ☐ defendant's parent. The child and / or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address. ☐ Yes, by: (Name) ☐ No: (Reason)

Value of Property

Property Crime? ☐ Yes ☐ No Description of Property

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Dispense/ Distribute M. Manufacture/ Produce/ Cultivate Z. Other

Drug Type: N. N/A A. Amphetamine B. Barbiturate C. Cocaine F. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetic U. Unknown Z. Other

CHARGE

Charge Description DUI Counts 1 Domestic Violence ☐Y ☒N Statute Violation Number 316.193 Violation of ORD # Bond

Drug Activity N/A Drug Type Amount / Unit Offense # Warrant / Capias Number

CHARGE

Charge Description Counts Domestic Violence ☐Y ☐N Statute Violation Number Violation of ORD # Bond

Drug Activity Drug Type Amount / Unit Offense # Warrant / Capias Number

CHARGE

Charge Description Counts Domestic Violence ☐Y ☐N Statute Violation Number Violation of ORD # Bond

Drug Activity Drug Type Amount / Unit Offense # Warrant / Capias Number

CHARGE

Charge Description Counts Domestic Violence ☐Y ☐N Statute Violation Number Violation of ORD # Bond

Drug Activity Drug Type Amount / Unit Offense # Warrant / Capias Number

NOTICE TO APPEAR

☐ Instruction No. 1 Mandatory Appearance in Court

☐ Instruction No. 2 You need not appear in Court but must comply with instructions on Reverse Side.

Location (Court, Room Number, Address) NORTH COUNTY Court, 3188 PGA BLVD, PBG FL 33410

Court Date and Time Month APRIL Day 3rd Year 2019 Time 8:30 A.M. P.M.

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.

X Mark Middleton Date Signed

Signature of Defendant (or Juvenile and Parent / Custodian)

ADMIN.

HOLD for other Agency Name: ☐ Dangerous ☐ Suicidal ☐ Resisted Arrest ☐ Other:

Intake Deputy I.D. # Pouch #

Signature of Arresting Officer X I.D. # 308

Name of Arresting Officer (Print) Dowling I.D. # 308

Transporting Officer Dowling I.D. # Agency PBG

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X"

SCANNED MAR 10 2019

PAGE ___ OF ___

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - JAIL GOLD - DEFENDANT

PBGPD FORM-023

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 9th DAY OF MARCH 2019 AT 16:53 AM (PM)

SUBJECT: Middleton, Mark Kevin CASE NUMBER: 19-001493

AGENCY: Palm Beach Gardens ARRESTING OFFICER: Dowling #308

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

911 call of swerving all over the ROAD

OBSERVATION OF DRIVER:

Strong odor of unknown alcoholic beverage
Eyes were red and glassy
Unsteady on feet as he exited vehicle
Holding onto to vehicle for support.

DRIVER'S STATEMENTS:

~~A~~ Subject admitted to drinking 5 beers at a celebration of life ceremony

ODORS: Strong odor of unknown alcoholic beverage.

GENERAL OBSERVATIONS

SPEECH: Slow and Thick

ATTITUDE: Co-operative, Talkative

CLOTHING: Blue Jeans, Flip flops T blue long sleeve Shirt

MEDICAL/OTHER:

STATE OF FLORIDA
COUNTY OF PALM BEACH

D Dowling 308
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 09 day of MARCH 2019 by OFC. D. DOWLING

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWN

Notary Public, Clerk of Court, Officer (F.S.S 117.10)

Notary Public State of Florida
Gary J Parent
My Commission GG 085486
Expires 06/21/2021

SCANNED
MAR 10 2019

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SUBJECT: Middleton, Mark Kevin CASE NUMBER: 19-001493

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [X] LT EYE-LACK OF SMOOTH PURSUIT
- [X] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [X] LT EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [X] RT EYE-LACK OF SMOOTH PURSUIT
- [X] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [X] RT EYE- ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

WALK & TURN: Started before told to begin
Did not keep heel to toe on all steps

ONE LEG STAND: Could not perform but attempted.

FINGER TO NOSE: ~~Touch it~~ FAILED to keep head back + Eyes closed - used wrong hand.

ROMBERG/ALPHABET: Sang Alphabet + could not complete alphabet from A-Z

BREATH TEST RESULTS:

STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer)

The foregoing instrument was notarized or sworn before me this 09 day of MARCH, 2019 by OFC. M. DOWLING who is personally known to me and/or produced identification. Type of identification produced KNOWN

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

Notary Public State of Florida
Gary J Parent
My Commission GG 085486
Expires 06/21/2021

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SCANNED
MAR 10 2019

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

PBSO CASE # 19-046212 PBSO ZONE 3-13

AGENCY CASE # PBG 19-001493 CRASH CASE # _____

TIME OF STOP/CRASH 16:50 pm DATE 3/09/2019 DAY Saturday

SUBJECT'S NAME Middleton, Maekk RACE W SEX M

HGT 5'9" WGT 190 DOB 8/27/1959

LOCATION 4,000 Blk Holly Drive

ARRESTING OFFICER'S NAME & ID Dowling 308 AGENCY PBG PD

DIVISION: TRF NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 1745

ARREST TIME 1714

BREATH RESULTS:

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

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

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MAR 10 2019

TESTING FACILITY TASK REPORT

AGENCY: PAC

SUBJECT: [illegible] CASE NUMBER: [illegible]

DATE: [illegible] VIDEO TAPE NUMBER: n/a

BEGINNING TIME: 1807 ENDING TIME: 1817

BREATH TESTS RESULTS: 1) R TIME 1809 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: [illegible]

MAINTENANCE TECHNICIAN: [illegible]

TESTING OFFICER'S OBSERVATIONS

SPEECH: [illegible]

ATTITUDE: [illegible]

CLOTHING: [illegible]

MEDICAL CONDITIONS: [illegible]

MEDICATIONS: [illegible]

OTHER: [illegible]

COMMENTS: [illegible]

REFUSED

REFUSED

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MAR 10 2019

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

PBSO #0129A REV.11/02

BJECT: Mooney, Mark 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.

am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol ontent.

-OR-

am now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of hemical or controlled substances.

-OR-

am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content nd the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am Ofc. Dowling of the PBG PD.

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) Refused Consent

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) Refused Consent

SCANNED
MAR 10 2019

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

PBSO #0129B REV. 06/11

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BJECT: _____ CASE NUMBER: _____

QUESTIONS AND ANSWERS

M NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR ONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

ERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? Of Course

HERE WERE YOU GOING? Home

HAT STREET OR HIGHWAY WERE YOU ON? Hwy / DR

IRECTION OF TRAVEL? E WHERE DID YOU START? Way east west Colonial

HAT TIME DID YOU START? 4 o'clock WHAT TIME IS IT NOW? I don't know

HAT IS TODAY'S DATE? 7th March WHAT DAY OF THE WEEK IS IT? Saturday

HAT COUNTY AND CITY ARE YOU IN NOW? Palm Beach County West Palm

HEN DID YOU LAST EAT? 1½ hr ago WHAT DID YOU EAT? BBQ Chicken Pork

HAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? At a club drink

OW MUCH DO YOU WEIGH? 210 HAVE YOU BEEN DRINKING? Yes WHAT? Beers

OW MUCH? 4 beers WHERE? Celebration WITH WHOM? Girl and friends

WHEN DID YOU HAVE YOUR FIRST DRINK? Not sure AND YOUR LAST DRINK? When I left there

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? In a can

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? Yeah ARE YOU UNDER THE INFLUENCE? I don't know

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? N/A HOW MUCH? N/A

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? Water filtration WHEN DID YOU LAST WORK? Friday

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? Back WHAT? Back

ARE YOU SICK OR INJURED? Yes WHAT'S WRONG? My back

DO YOU LIMP? Yes DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? _____ WHEN? _____

DO YOU HAVE:
EPILEPSY? NO
GLASS EYE? NO
FALSE TEETH? NO
EAR INFECTION? No
INNER EAR TROUBLE? Yes
DIABETES? NO

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? I don't know

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? NO WHERE? _____

INTERVIEWER: Deputy _____

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

>BSO #0129C REV. 9/93

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SCANNED
MAR 10 2019

WITNESS LIST

CASE NUMBER: 19-001493

ARRESTING OFFICER Dowling #308
ADDRESS 10500 N. Military Tr, PBG, FL, 33410
PHONE NUMBERS (HOME) (561) 719-4145 (WORK)
CAN TESTIFY TO: Recognize + Arrest

NAME: Off. Collins
ADDRESS 10500 N. Military Trail, PBG, FL 33410
PHONE NUMBERS (HOME) (561) 719-4145 (WORK)
CAN TESTIFY TO: Traffic Stop

NAME:
ADDRESS (WORK)
PHONE NUMBERS (HOME)
CAN TESTIFY TO:

NAME:
ADDRESS (WORK)
PHONE NUMBERS (HOME)
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SCANNED
MAR 10 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	☐	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.	2
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.	
	☐	(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:	

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REVIEW COMPLETED BY

Booking Number: 2019008211	**Date:** 03/10/2019
	Specialist Name/ID: AM/31562

SCANNED
MAR 1 0 2019