

170T 20440

**ARREST REPORT**

Report Date / Time 11/10/2017 04:21 AM	Agency Case/Offense Number FHPL17OFF092930	OCA Number	Original Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD207912
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**LOCATION OF OCCURRENCE**

County <b>PALM BEACH</b>	Address <b>W SR-9 NB EXT RAMP , DELRAY BEACH, FL 33444</b>
Range of Occurrence Date/Time 11/10/2017 02:15 AM to 11/10/2017 02:15 AM	Latitude <b>N 26 27.6984</b>
	Longitude <b>W 80 5.2500</b>

**PERSON: SUSPECT**

First Name <b>MARSHALL</b>	Middle Name <b>DEAN</b>	Last Name <b>RICKEY</b>	Suffix	Date of Birth <b>12/14/1995</b>	Age <b>21</b>	Race <b>W</b>	Sex <b>M</b>	Height <b>602</b>	Weight <b>185</b>	Hair <b>BLK</b>	Eyes <b>UNK</b>
Master Name Index Number	Place of Birth <b>WEST PALM BEACH, FL</b>	Nation <b>USA</b>	SSN	Driver's License or Other ID <b>R200544954540</b>	State <b>FL</b>	Class or Type					
Address <b>2005 NW 3RD AVE</b>		City <b>DELRAY BEACH</b>	County	State <b>FL</b>	Zip Code <b>33444</b>	Phone					

**CHARGES**

Counts <b>1</b>	Charge Number <b>316.193.1</b>	Charge <b>DUI-UNLAW BLD ALCH</b>
Charge Degree	Charge Level <b>MISDEMEANOR</b>	General Offense Code <b>PRINCIPAL</b>
		<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence
<b>DUI ALCOHOL OR DRUGS</b>		Bond Amount <b>\$0.00</b>

**PROBABLE CAUSE**

On the above date and time, I was dispatched to a possible motor vehicle crash. A passing motorist advised that the crash was located northbound State Road 9 (I-95), near the apex of the Atlantic Ave exit apex. The passing motorist further advised that there was a white vehicle involved. Moments later, I was traveling on the northbound exit ramp to Atlantic Ave from I-95 when I observed a white vehicle at the bottom of the exit ramp near the intersection. As I continued to travel towards the vehicle, I observed the white vehicle to blocking the left and right turn lane onto Atlantic Ave. I then positioned my marked patrol vehicle behind the white vehicle. Once out of my patrol vehicle, I observed a Delray Police officer looking into the vehicle. The police officer advised that there were two (2) unresponsive occupants inside the vehicle. I then looked inside the white vehicle and observed two white males occupying the vehicle. One being the driver; who was later identified by his Florida Driver's Licenses number R200544954540 as Marshall Rickey. And the front passenger; who was later identified by his Colorado Driver's License as Nicky Bowher. I began to bang on the window of the white vehicle in attempt to get the occupants to respond. After several moments, Mr. Rickey became responsive. Mr. Rickey then put the vehicle into drive. I continued to bang on the window while identifying myself to get Mr. Rickey to open the door. Mr. Rickey then rolled down the passenger side window. When Mr. Rickey did so, I reached inside an unlocked the vehicle. I then opened the passenger side door to the vehicle. After, I advised Mr. Rickey to put the vehicle in park and to turn the vehicle off. Mr. Rickey complied and did so. I then repositioned myself to the driver side. Once there, I opened the driver door and advised Mr. Rickey to exit the vehicle. Mr. Rickey complied and did so. Once out of the vehicle, I began to speak with Mr. Rickey. I asked Mr. Rickey why he was asleep at the wheel. Mr. Rickey advised that he wasn't sleeping, but that he was talking to Mr. Bowher (the passenger). I advised Mr. Rickey that I've been standing, banging on the vehicles window to get him to wake up. Mr. Rickey did not say anything. I asked Mr. Rickey was he involved in a crash. Mr. Rickey advised no. After observing the vehicle for damage, I could not locate any damage on the vehicle indicating the vehicle was in fact involved in a crash. While speaking with Mr. Rickey, I further observed Mr. Rickey to have red glassy eyes, and an odor of an unknown alcoholic beverage coming from the mouth and breath area of Mr. Rickey. I asked Mr. Rickey where he was coming from. Mr. Rickey advised a concert in Ft. Lauderdale. I asked Mr. Rickey if he consumed any alcoholic beverages prior to/while driving. Mr. Rickey advised that he had a cocktail at the concert. I then asked Mr. Rickey if he would perform a series of Standardized Field Sobriety Exercises (SFSE's). Mr. Rickey agreed to submit.

**Horizontal Gaze Nystagmus**

Prior to beginning the exercises it was determined Mr. Rickey was not wearing contacts. Mr. Rickey were checked and his eyes equal tracking and his pupils were equal sizes. Mr. Rickey instructed to following the stimulus with his eyes only, keeping his head still. After stating he understood the instructions Mr. Rickey attempted this exercise.

The results of this exercise displayed 6 of the 6 possible clues.

- A lack of Smooth Pursuit in his left eye.
  - A lack of Smooth Pursuit in his right eye.
  - A distinct and sustained nystagmus in the left eye at maximum deviation.
  - A distinct and sustained nystagmus in the right eye at maximum deviation.
  - An onset of nystagmus in the left eye prior to 45 degrees.
  - An onset of nystagmus in the right eye prior to 45 degrees.
- The exercise further revealed the presence of vertical nystagmus. Vertical nystagmus is an indicator of high doses of alcohol, other central nervous system (CNS) depressants or inhalants, and the consumption of the drug phencyclidine (PCP).

While performing the Horizontal Gaze Nystagmus exercise, it was observed that Mr. Rickey:

- Had difficulty following and responding to instructions.
- Moved his head from side to side during the exercise.
- Swayed while standing.
- The instructions for the exercise had to be repeated before Mr. Rickey would respond

**Walk and Turn exercise**

Prior to attempting this exercise, Mr. Rickey indicated he did not have any medical problems that would have prevented him from performing the exercise. Mr. Rickey advised that he was able to walk a line. Mr. Rickey instructed to put his left foot on the line and his right foot in front of it with his right heel touching the toe of his left foot. He was instructed to stand in this manner with his hands to his sides until the exercise instructions were completed and the exercise demonstrated. Mr. Rickey was instructed not to begin the exercise until told to start. He was instructed to take nine steps along the line in a heel-to-toe manner. After the ninth step he was to stop and turn around keeping his lead foot on the ground, taking several small steps with the other foot to turn around. After turning around he was to take nine steps in a heel-to-toe manner back along the line, in the direction he had come from. Mr. Rickey was further instructed to watch his feet at all times while walking, keep his arms down to his side, and to count his steps out loud. After the exercise was demonstrated Mr. Rickey stated he understood the instructions and was instructed to begin the exercise.

- After attempting the Walk and Turn exercise Mr. Rickey displayed 5 of 8 possible clues.

2017 NOV 11 AM  
 SHARON A. ...  
 PALM BEACH ...  
 GUN CLUB ...

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**Walk and Turn exercise observations:**

- On the first set of steps Mr. Rickey failed to walk in a heel-to-toe manner on 6 steps, - On the second set of step Mr. Rickey failed to walk in a heel-to-toe manner on 5 steps, -
- Unable to stand heel to toe.
- Turned incorrectly.
- Used hand for balance
- Took 15 steps the first set

**One Leg Stand exercise**

Prior to attempting this exercise, Mr. Rickey indicated he did not have any medical problems that would have prevented him from performing the exercise. Mr. Rickey was instructed to stand with his heels together and hands down to his sides while the instructions were given and during the exercise. Mr. Rickey was instructed not to begin the exercise until he was instructed to start, and after the exercise had been demonstrated. When instructed to start, he was to raise the foot of his choice off the ground approximately 6 inches. While his leg was raised he was to keep his leg straight, watch his raised foot, and to count out loud by thousands (one thousand one, one thousand two, one thousand three...) and to continue the exercise until told to stop (30 seconds). After this exercise was demonstrated and indicating he understood the instructions Mr. Rickey attempted this exercise.

When Mr. Rickey attempted this exercise he raised his right foot.

The result of this exercise displayed 2 of the 4 possible clues.

During this exercise Mr. Rickey:

- Swayed during the exercise.
- Used arms for balance.

**Modified Finger to Nose**

I asked Mr. Rickey to place his hands out to his side at a 45 degree angle close his palms, except his index finger. After doing so, I advised Mr. Rickey when asked, to close his eyes and lean his head back. I will then call out left, or right (hand). Once I call out left or right hand, he was to touch the tip of his nose. Not his nostril, or bridge of his nose. Mr. Rickey touched the tip of his nose, he was to return his hand to starting position (to the side at approximately 45 degrees) Mr. Rickey advised he understood. Once started, Mr. Rickey touched the bridge of his then moved his index finger to the tip of his nose on two request with his left hand. Also, Mr. Rickey failed to touch his nose when requested to with his right index finger then had to be told to return his hand to starting position. Once I concluded the Finger to nose exercise.

I then demonstrated to Mr. Rickey the Modified Romberg Balance exercise. I advised Mr. Rickey to stand with his hands to his side, lean his head back and close his eyes. After doing so, Mr. Rickey was instructed to estimate the passage of 30 seconds in Mr. Rickey head without counting out loud, and when finished to open his eyes, bring his head back to a neutral position and say done. Mr. Rickey advised he understood. Mr. Rickey then began the exercise. Mr. Rickey advised he was done at approximately 36 seconds.

After I completed the Standardize Field Sobriety Exercise observations on Mr. Rickey, I then placed Mr. Rickey under arrest for suspected DUI. I then placed Mr. Rickey in the rear of my patrol vehicle. Shortly after, I departed the scene enroute to the Palm Beach County Jail. Upon arrival at the jail, I escorted Mr. Rickey to the BAT center. There, I conducted a 20 minute observation period of Mr. Rickey. Once the 20 minutes were up, I escorted Mr. Rickey into the BAT room. Once there, I requested Mr. Rickey to submit to a lawful test of his breath for the purpose of determining its alcohol content Mr. Rickey refused to do so. I then advised Mr. Rickey of Florida Implied Consent. Mr. Rickey advised he understood and continued to refuse. After, I then advised Mr. Rickey of his Constitutional Warnings. Mr. Rickey advised he understood. After a brief Q&A was conducted, I then transported Mr. Rickey to booking into the Palm Beach County Jail. Shortly after, Mr. Rickey was booked into the Palm Beach County jail on 316.193.1 Florida Statue. All events occurred in Palm Beach County.

**LEO BOND**

Bond Amount \$	None	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> PreTrial If Qualify
	<input type="checkbox"/> Pro				<input type="checkbox"/>

**COURT APPEARANCE INFORMATION**

Court (CIRCUIT) PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Date & Time 12/22/2017 09:00 AM
Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410		
Instructions		

**ARREST INFORMATION**

Arrest Date / Time 11/10/2017 02:47 AM	Residency Within jurisdiction	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs Unknown	

**ARREST LOCATION**

County PALM BEACH	Address W SR-9 NB EXT RAMP , DELRAY BEACH, FL 33444
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**ARREST DELIVERED TO**

Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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**ARRESTING OFFICER**

Officer Call Number 1667	Officer Name CLEARY, GUS E JR	Officer Signature
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ARREST REPORT

FHP99ARR144234

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SCANNED

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Subscribed and sworn to (or affirmed) before me this 10 day of November A.D., 2017 by \_\_\_\_\_ who is  personally known to me or has produced \_\_\_\_\_ as identification.

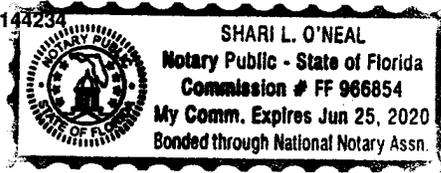
S. O'Neal \_\_\_\_\_  Notary Public  LEO  CO Commission No: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Signature

ARREST REPORT

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NOV 14 2017

# TESTING FACILITY TASK REPORT

3

AGENCY: FHP Trp. Cleary #4055  
 SUBJECT: Rickey, Marshall D. CASE NUMBER: 17-149881  
 DATE: 11-10-17 VIDEO TAPE NUMBER: —  
 BEGINNING TIME: 0341 hrs ENDING TIME: 0344 hrs  
 BREATH TESTS RESULTS: 1) ~~REFUSED~~ TIME 0342 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. O'Neal #6212  
 MAINTENANCE TECHNICIAN: DIS J. Kordecke #6467

### TESTING OFFICER'S OBSERVATIONS

SPEECH: Slur  
 ATTITUDE: Calm, Quiet, Cooperative  
 CLOTHING: Shirt- Orange Pants- Gray No Shoes  
 MEDICAL CONDITIONS: None  
 MEDICATIONS: None  
 OTHER: Eyes: Red + Glassy

Odor of unknown alcoholic beverage.  
 COMMENTS: 20 min. observation done by Cleary #4055  
AIO requested the breath test.  
D refused the request.  
AIO read the implied consent on camera.  
D understood the IIC. D still refused the test  
after the IIC was read.  
C/W read on camera.  
Q&A started then stopped.

**SCANNED**  
**NOV 14 2017**

SUBJECT: ~~Rickey Marshall~~ Marshall CASE NUMBER: FHPL17OFFG92930  
Rickey

## 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 Tr. G. Cleary of the FHP

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) Read on Camera

## 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) Read on Camera **SCANNED**

SUBJECT: Marshall Rickey CASE NUMBER: FHPL17OFF092930

### 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? home

WHAT STREET OR HIGHWAY WERE YOU ON? \_\_\_\_\_

DIRECTION OF TRAVEL? East WHERE DID YOU START? Ft. Lauderdale

WHAT TIME DID YOU START? \_\_\_\_\_ WHAT TIME IS IT NOW? \_\_\_\_\_

WHAT IS TODAY'S DATE? \_\_\_\_\_ WHAT DAY OF THE WEEK IS IT? \_\_\_\_\_

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? Concert

HOW MUCH DO YOU WEIGH? \_\_\_\_\_ HAVE YOU BEEN DRINKING? NO 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? NO 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? \_\_\_\_\_

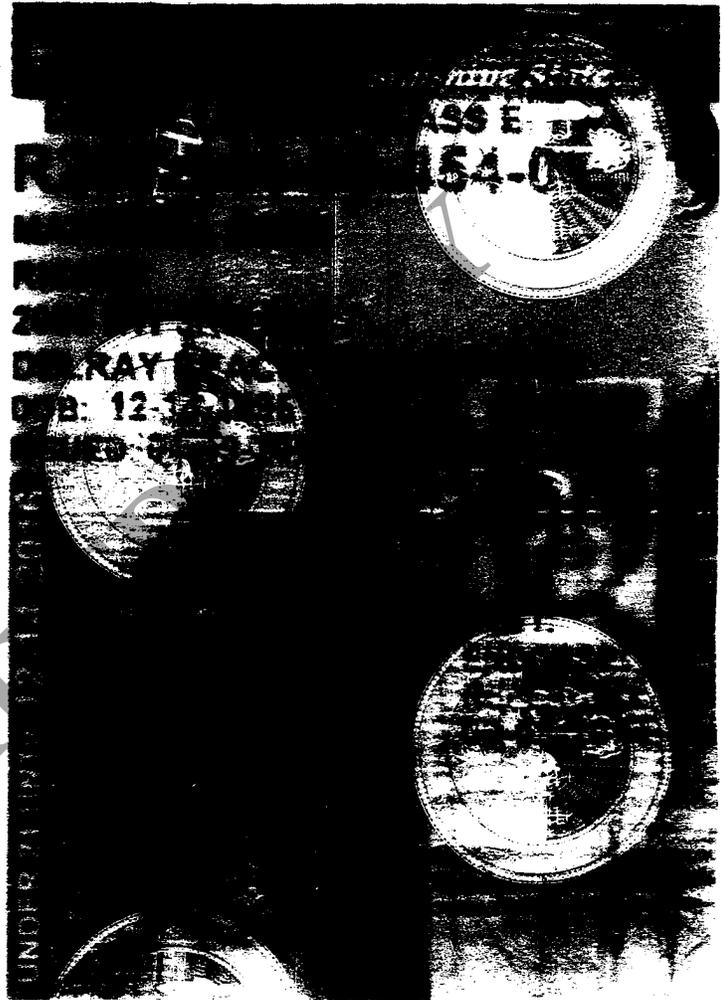
DO YOU TAKE INSULIN? \_\_\_\_\_ IF SO, WHEN WAS YOUR LAST INJECTION? \_\_\_\_\_

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? \_\_\_\_\_ WHERE? \_\_\_\_\_

INTERVIEWER: \_\_\_\_\_

**SCANNED**  
**NOV 14 2017**

NOT A CERTIFICATE



*[Handwritten signature]*

**SAFE DRIVER**  
Operation of a motor vehicle constitutes  
consent to any sobriety test required by law.

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