

0485293

370

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile	
Agency ORI Number <b>FLO 500000</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>		Agency Report Number (N.T.A.'s only) <b>06-17-039042</b>							
Charge Type: Check as many as apply. <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		Weapon Seized / Type 1. Yes 2. No		Multiple Clearance Indicator			
Location of Arrest (Including Name of Business) <b>16187 STATE ROAD 80 UNINCORPORATED PALM BEACH COUNTY</b>				Location of Offense (Business Name, Address) <b>SR 80 (2 MI) W OF LION COUNTRY ROAD UNINCORPORATED PALM BEACH COUNTY</b>							
Date of Arrest <b>RO02/13/17</b>		Time of Arrest <b>0304</b>		Booking Date		Booking Time		Jail Date		Jail Time	
Name (Last, First, Middle) <b>HERSKOVITS MATTHEW DAVID</b>											
Alias (Name, DOB, Soc. Sec. #, Etc.)											
Race W - White I - American Indian B - Black O - Oriental/Asian		Sex <b>M</b>		Date of Birth <b>05/18/1987</b>		Height <b>509</b>		Weight <b>210</b>		Eye Color <b>BLU</b>	
								Hair Color <b>BRO</b>		Complexion <b>MED</b>	
										Build <b>MED</b>	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) <b>NONE</b>						Marital Status <b>UNK</b>		Religion <b>CHRISTIAN</b>		Indication of: Alcohol Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Unk. <input type="checkbox"/>	
Local Address (Street, Apt. Number) <b>9131 SANDERSON CT</b>						(City) <b>BOYNTON BEACH</b>		(State) <b>FL</b>		(Zip) <b>33473</b>	
Permanent Address (Street, Apt. Number)						(City)		(State)		(Zip)	
Business Address (Name, Street)						(City)		(State)		(Zip)	
D/L Number, State <b>(FL)H-621-544-87-178-0</b>		Soc. Sec. Number		INS Number		Place of Birth (City, State) <b>NEW JERSEY</b>		Citizenship <b>US</b>			
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile	
Parent Name (Last, First, Middle)				Name (Last, First, Middle)		Residence Phone					
Legal Custodian				Other		Address (Street, Apt. Number)		(City)		(State)	
								(Zip)		Business Phone	
Notified by: (Name)				Date		Time		Juvenile Disposition 1. Handled/processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated			
Released To: (Name)				Relationship		Date		Time			
The above address provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. <input type="checkbox"/> Yes, by (Name) <input type="checkbox"/> No: (Reason)						School Attended		Grade			
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property				Value of Property					
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 E. Heroin		H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetics		U. Unknown Z. Other			
Charge Description <b>DUI</b>				Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number <b>316.193(1)</b>		Violation of ORD #	
Drug Activity <b>N</b>		Drug Type <b>N</b>		Amount / Unit <b>N/A</b>		Offense # <b>17-039042</b>		Warrant / Capias Number		Bond	
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Location (Court, Room Number, Address) <b>3228 GUN CLUB RD WEST PALM BEACH FL 33406</b>											
Court Date and Time Month <b>MARCH</b> Day <b>9</b> Year <b>2017</b> Time <b>0800</b> AM <input checked="" type="checkbox"/> PM <input type="checkbox"/>											
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) <i>[Signature]</i> Date Signed											
HOLD for other Agency Name:				Signature of Arresting Officer				Name Verification (Printed by Arrestee)			
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other:				Name of Arresting Officer (Print) <b>Inv. E.K. White 7209</b> I.D. # <b>7209</b>				(PRINT) <b>SCANNED</b>			
Intake Deputy <b>Spencer 8101</b> I.D. #				Transporting Officer <b>Inv. E.K. White 7209</b> ID # <b>7209</b> Agency <b>PBSO</b>				Witness has subject signed with an "X" <b>FEB 11 2017</b>			
DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (N.T.A.'s ONLY)											

# D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 13 DAY OF FEBRUARY 20 17, AT 0242 AM ☒ PM  
SUBJECT: HERSKOVITS MATTHEW DAVID CASE NUMBER: 17-039042

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. E.K. White 7209

## PERSONAL CONTACT

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

On Monday, February 13, 2017 hours at approximately 0242 hours, while conducting speed enforcement on State Road (SR) 80, approximately 2 miles west of Lion Country Road, in the unincorporated area of Palm Beach County Florida, I stopped a black utility vehicle for traveling 90 miles per hour (mph) in a posted 55 mph zone. My patrol car was positioned inside a paved turnaround facing west. My Radar was set to "Front Opposite" on the forward antenna (detecting speed of vehicles traveling toward me). The rear antenna was set to "Same" which detected the speed of vehicles approaching me from the rear. On this incident I could hear a loud and steady high pitch sounding from my Radar's Audio Doppler showing a speed of 90 miles per hour inside the target window. I looked in my side mirror and saw a vehicle traveling west with no other traffic around it. Its speed coincided with the sounding of the Doppler as well as the speed indicated inside the target window. As the vehicle passed me the speed vanished from the window and the Doppler ceased in sounding. I traveled after the vehicle to conduct a traffic stop for speeding. While overtaking it I watched it drive toward the north shoulder of the roadway. It appeared unsteady as it weaved inside its lane. I activated my emergency lights in an effort to stop the vehicle. The vehicle continued west before pulling onto the grass shoulder. I approached the vehicle from the driver side and made contact with a white male driver. I explained to him that he was being stopped for traveling 90 mph in a posted 55 mph zone. I asked the driver where was he going and he told me he was going home. His driver license showed an address in Juno Beach Florida. I told him he was on his way to Belle Glade rather than his home in Jupiter.

## OBSERVATION OF DRIVER:

During this interview I could smell a strong odor of an unknown alcoholic beverage coming from the inside of the vehicle. The driver, who was later identified as Matthew David Herskovits by his Florida driver license, appeared to have been drinking an unspecified amount of alcoholic beverages. His eyes were clear and glossy, his speech was slow and slurred. His cheeks were flushed and his mouth was dry. I could smell a strong odor of an unknown alcoholic beverage coming from his breath after he exited his vehicle. I told him I had a suspicion he had been drinking alcoholic beverages. He admitted to drinking one beer. I asked him to perform Standardized Field Sobriety Evaluations so I could determine if he was impaired while operating his vehicle. He began disputing the reason for him being stopped. I advised him of the Taylor Warnings that entailed his cooperation was voluntary and he did not have to perform the SFSTs. However, I also advised him if he did not perform the SFSTs, he would be forcing me to base my decision on the previously mentioned indicators of impairment that he exhibited. I also told him his failure to cooperate would be used against him in court. I gave the driver many opportunities to reconsider performing the SFSTs. Deputy Christopher Unger who had arrived on scene as a back up officer also tried to explain to the driver the procedure of performing the SFSTs. He continued arguing about the reason of him being pulled over. After ample opportunities to perform the SFSTs, it became increasingly apparent that the driver was not going to perform the SFSTs. From the previously mentioned indicators of impairment exhibited by him, coupled with the infraction of speeding and the driver being confused of his directions to his home, probable cause was established for DUI. I told him he was being placed under lawful for arrest for DUI.

## DRIVER'S STATEMENTS:

**I drank one beer. I am going home.**

## ODORS:

**Strong odor of an unknown alcoholic beverage coming from subject's breath.**

## GENERAL OBSERVATIONS

**SPEECH: slow and slurred**

**ATTITUDE: disbelief**

**CLOTHING: damp swimming trunks white shirt and sandals**

**MEDICAL/OTHER: none**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

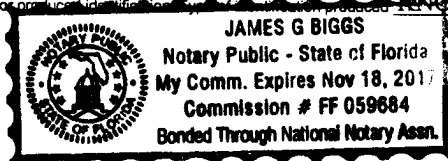
Inv. E.K. White 7209

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13 day of February 20 17 by D/S WHITE

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produces identification as a law enforcement officer, produced UNKNOWN

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



SCANNED  
FEB 11 2017

SUBJECT: HERSKOVITS MATTHEW DAVID

CASE NUMBER 17-039042

### ROADSIDE TASKS

#### HORIZONTAL GAZE NYSTAGMUS:

☐

LT EYE-LACK OF SMOOTH PURSUIT

☐

RT EYE-LACK OF SMOOTH PURSUIT

☐

LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

☐

RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

☐

LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

☐

RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

#### Other Observations:

**Refused All SFSTS Taylor Warnings advised**

WALK & TURN:

**REFUSED**

ONE LEG STAND:

**REFUSED**

FINGER TO NOSE:

**REFUSED**

ROMBERG ALPHABET:

**REFUSED**

BREATH TEST RESULTS:

1)

2)

3)

4)

STATE OF FLORIDA  
COUNTY OF PALM BEACH

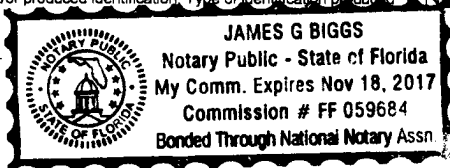
Inv. E.K. White 7209

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13 day of February 20 17 by D/S WHITE

(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)



**SCANNED**  
**FEB 11 2017**

# WITNESS LIST

CASE NUMBER: **17-039042**

ARRESTING OFFICER: **Inv. E.K. White 7209**

ADDRESS: **DUI/Traffic**

PHONE NUMBERS (HOME): \_\_\_\_\_ (WORK) **561 681 4500**

CAN TESTIFY TO: **DUI Investigation**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

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CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

SCANNED  
FEB 11 2017

# TESTING FACILITY TASK REPORT

AGENCY: PBSO-WHITE

SUBJECT: HERSKOWITS, MATTHEW D

CASE NUMBER: 17-039042

DATE: Feb 13, 2017

VIDEO DVD NUMBER: 62130

BEGINNING TIME: 0452

ENDING TIME: 0506

BREATH TESTS RESULTS: 1) .116 TIME 0457 A.M. ☒ P.M. ☐ 2) .123 TIME 0500 A.M. ☒ P.M. ☐  
3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICIAN: D/S J Karkleck #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: COOPERATIVE, CONFUSED

CLOTHING: WHITE SHIRT, HAWAIIAN TYPE SHORTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

## OTHER:

EYES GLASSY, RED  
FACE FLUSHED RED  
STRONG ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

## COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0410  
SUBJECT ASKED IF HE HAD A CHOICE, IMPLIED CONSENT WAS READ  
SUBJECT ADVISED HE WOULD SUBMIT TO THE TEST  
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST  
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY  
SUBJECT WAS GIVEN THE RESULTS  
MIRANDA WAS SHOWN TO SUBJECT, AND READ, SUBJECT BECAME CONFUSED AND DIFFICULTY  
QUESTIONS WERE REFUSED

SCANNED  
FEB 11 2017

SUBJECT: Herskowitz, Matthew D

CASE NUMBER: 17-039042

## 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 \_\_\_\_\_ of the \_\_\_\_\_.

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

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FEB 11 2017

SUBJECT: Herskovits, Matthew D CASE NUMBER: 17-039042

## 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? \_\_\_\_\_

WHERE WERE YOU GOING? \_\_\_\_\_

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

DIRECTION OF TRAVEL? \_\_\_\_\_ WHERE DID YOU START? \_\_\_\_\_

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? \_\_\_\_\_

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: \_\_\_\_\_

Inv. E. K. WHITE

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

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ORGAN DONOR

Operation of a motor vehicle necessitates consent to examination as required by law

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