

JUL 07 2019

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 4th DAY OF July 20 108, AT 17:45 AM ☒ PM
SUBJECT: Levine, Matthew, Louis CASE NUMBER: 19-089619
AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S POINTU P.

PERSONAL CONTACT

DRIVING PATTERN: Actual physical control (physical evidence or statements putting def. behind wheel of vehicle)

Was speeding at 66 mph in a 45 mph zone, on Eastbound 8000 block of Yamato road, in unincorporated Boca Raton, Palm Beach County, Florida. Was the driver and only occupant of the vehicle.

OBSERVATION OF DRIVER:

Eyelid fluttering, slow to react, fumbling to find papers. Appeared worried by my presence.

DRIVER'S STATEMENTS:

Post Miranda, admitted possession of the 7.2 grams of Marijuana found in his right front pocket and the 3.5 grams found in the center console of the vehicle incident to arrest. Admitted that it was for his personal use. Said that he smoked some an hour prior to the stop.

ODORS:

strong odor of marijuana coming from the vehicle that followed him when I asked him to exit it.

GENERAL OBSERVATIONS

SPEECH: slurred

ATTITUDE: cooperative, sluggish

CLOTHING: blue polo shirt, tan pants, black shoes

MEDICAL/OTHER: none disclosed

STATE OF FLORIDA
COUNTY OF PALM BEACH

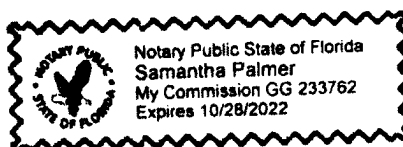
D/S POINTU P.
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4th day of July 20 19 by D/S POINTU P.

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

Samantha Palmer (#24520)

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



SUBJECT: Levine, Matthew, Louis

CASE NUMBER 19-089619

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:

HGN at maximum deviation but not sustained for more than 4 seconds. LOC present. Equal tracking. Eyelid fluttering. Very slight sway. Moved his heads multiple time and had to be reminded to keep his head still.

WALK & TURN:

Started the task before being told. Did not walk heel to toe (took wide steps, then on some slid his front foot back a little). Improper turn. Used his arms to balance. Shaking legs.

ONE LEG STAND:

Very slight sway. Legs shaking.

FINGER TO NOSE:

Touched the side of his nose 4 of the 6 steps. Was slow to approach his nose. Kept his finger on his nose for a few seconds at some steps, then lowered it down just before I was ready to remind him. Eyelid fluttering. Legs shaking.

ROMBERG ALPHABET:

Eyelid fluttering. Legs shaking. Very slight sway. Recited: "A B C D E F G H I J K L O M N O S Q U U W X Y Z"

Modified Romberg. Stopped the 30 s count at 46s. When asked how long it was, he stated 31 seconds.

BREATH TEST RESULTS: 0.000 0.000

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S POINTU P.

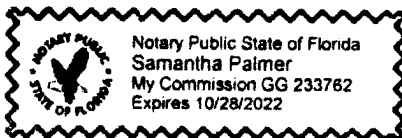
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Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



Florida

DRIVER LICENSE



9 CLASS E

L150-552-96-056-0



1 LEVINE
2 MATTHEW LOUIS
3 4678 HAMMOCK CIR
4 DELRAY BEACH FL 33445-5317

5 DOB 02/16/1986 15 SEX M SAFE DRIVER
4b EXP 02/16/2025 16 HGT 5'-11"
12 REST NONE 9a END NONE

4a SS 06/16/2016

5 DD X631901181223

REPLACED 01/18/2019

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



NOT A CERTIFIED COPY

WITNESS LIST

CASE NUMBER: 19-089619

ARRESTING OFFICER: D/S POINTU P.

ADDRESS: Palm Beach County Sheriff's Office - 3228 Gun Club Rd - West Palm Beach, FL 33406

PHONE NUMBERS (HOME): _____ (WORK) (561) 688 3000

CAN TESTIFY TO: see report

NAME: , ,

ADDRESS: ,

PHONE NUMBERS (HOME) 0 (WORK) 0

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) 0 (WORK) 0

CAN TESTIFY TO: _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

TESTING FACILITY TASK REPORT

AGENCY: PBSO/POINTU

SUBJECT: LEVINE, MATTHEW

CASE NUMBER: 19-089619

DATE: Jul 4, 2019

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 1910

ENDING TIME: 1926

BREATH TESTS RESULTS: 1) .000 TIME 01913 A.M. ☐ P.M. ☒ 2) .000 TIME 1916 A.M. ☐ P.M. ☒
3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICIAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: CLEAR,

ATTITUDE: CALM, QUIET, POLITE

CLOTHING: BLUE POLO SHIRT, TAN PANTS, BLACK SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: GLASSY AND BLOODSHOT, SUBJECT ADMITTED TO SMOKING MARIJUANA (Q&A)

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 1848
SUBJECT AGREED TO TAKE BREATH TEST
AND PROVIDED TWO ADEQUATE SAMPLES SUCCESSFULLY
TECH READ TEST RESULTS
SUBJECT STATED HE UNDERSTOOD RESULTS
A/O REQUESTED URINE SAMPLE
SUBJECT REFUSED TO PROVIDE URINE SAMPLE
A/O READ I/C
SUBJECT STATED HE UNDERSTOOD I/C
AND AGREED TO PROVIDE URINE SAMPLE @ 1920
A/O READ RIGHTS
SUBJECT STATED HE UNDERSTOOD RIGHTS
A/O CONDUCTED Q&A
SUBJECT ANSWERED QUESTIONS

SUBJECT PROVIDED URINE SAMPLE @ 1930
DRE CONDUCTED BY INV. SCHNEIDER #8501

SUBJECT: Levin, Matthew CASE NUMBER: 19-04611

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 VL - 16032 of the PBSO

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



**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.	
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	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2019021910	Date: 7/4/2019
	Specialist Name/ID: J. Beck/9007