



Arrest Report

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

0386698 19CT19607
3518

Report Date / Time 10/21/2019 10:40 PM	Report Number FHP99ARR804489	Case Number/Cad Number FHPL19OFF069696 / LWRC19CAD191802	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 10/21/2019 20:55:11 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95 NORTHBOUND EXIT RAMP
Street Number N INTERSTATE 95 NB EXIT RAMP	Street JUPITER	Apt/Lot/Bldg City FL Zip Code 33458

Defendant

First Name MICHAEL	Middle Name ERIC	Last Name SETTLES	Suffix	Race WHITE	Sex MALE	Height 511	Weight 190	Hair BROW	Eyes BLU
MNI #	SSN	Date of Birth 05/16/1985	Age 34	Place of Birth BOULDER CO UNITED STATES	Drivers License or other ID S342545851760	State FL	ID Type E		
Address * RESIDENCE / 19106 SE MAYO DR, TEQUESTA, FL 33469 / 561-758-6364									

Arrest

Arrest Date/Time 10/21/2019 9:56:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description MOBILE GAS STATION
Street Number 6657	Street W INDIANTOWN RD	Apt/Lot/Bldg County PALM BEACH City FL Zip Code 33458

Charge : S

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

Bond Set by Court

Bond Amount	☐ No Bond
Bond Type(s)	

Probable Cause

ROUGH ARREST REPORT A more detailed probable cause affidavit will be submitted to the Palm Beach County State Attorney's Office at a later time.

On 10/21/2019 at approximately 9:02PM I was dispatched to a reported vehicle crash that had allegedly occurred in the area of Interstate 95 and Indiantown Road. I was informed by the Lake Worth

Arrest Report

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10/22 AM 2:50

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Communications Center (LWRCC) or Dispatch that the complainant had followed the other driver into the Mobile gas station at the northwest corner of Indiantown Road and Central Boulevard. Upon my arrival I observed a silver Dodge Charger (attached Florida tag: DRHQ79) facing north parked behind a white BMW (attached Florida tag: CPUM19) that were located west of the gas station pumps. I checked on the condition of both drivers and confirmed that neither were injured. I then spoke to the driver of the silver Dodge Charger who I identified by his Florida drivers license as Samuel James Brunner (FL DL: B656790971630). Mr. Brunner was the complainant who had reported the incident. He stated that as he was traveling north on the Interstate 95 northbound exit to eastbound Indiantown Road in the left exit lane the driver of the white BMW who was directly in front of him braked abruptly which caused him to change lanes to the right exit lane. Mr. Brunner then alleged that as he attempted to move into the left exit lane due to a vehicle ahead the driver of the white BMW accelerated to a high rate of speed and struck his vehicle. Mr. Brunner stated that he almost lost control of his vehicle but managed to regain control and followed the white BMW which did not stop. Mr. Brunner then alleged that as he was on the phone with 911 he got the attention of the other driver and both pulled into the gas station. I then spoke to the driver of the white BMW and identified him by his Florida drivers license as Michael Eric Settles (FL DL: S342545851760). Mr. Brunner is able to place Mr. Settles behind the wheel of the white BMW at the time of the collision. As I spoke to Mr. Settles I noticed that his speech was slurred and his eyes were red and glassy. I also smelled the odor of an unknown alcoholic beverage coming from Mr. Settles breath as he spoke. He was also using his left arm to prop himself up against his vehicle as I spoke to him. He stated that as he was in the left exit lane of the exit ramp the driver of the silver Dodge Charger moved into his lane and struck his vehicle. I observed damage to the right front wheel and right front side of the white BMW. I also observed damage to the left rear side of the silver Dodge Charger. After completion of my crash investigation I informed Mr. Settles that the crash investigation had ended and I was beginning a criminal investigation for DUI. I read him his Miranda Rights from a Florida Highway Patrol Miranda Warning printout and asked him if he was willing to answer questions and he agreed to. I asked him where he was coming from and he stated that he was coming from Flanagans off of Southern Boulevard. I asked him if he had anything to drink and he stated that he had two beers at home around 5:45PM-6:00PM prior to going to Flanagans. I continued to smell the strong odor of an unknown alcoholic beverage coming from his breath as he spoke. I also continued to notice that his eyes were red and glassy and that his speech seemed to be slurred. I asked him if he was willing to perform standardized field sobriety exercises and he agreed. Prior to administering the exercises I asked him if he wore glasses or contacts and he stated no. I asked him if he was taking any medication and he stated that he was on Adderall for ADHD. I asked him if he had any other medical conditions or injuries and he stated no. I asked him what his natural eye color was and he stated blue which was observed. The results of the exercises are summarized below. (Note: The below summary is not intended to be a verbatim account of all the events that took place during the administration of the standardized field sobriety exercises. Video footage and audio of the exercises is available upon request.) Each exercise was explained and demonstrated prior to the subject attempting to perform the exercise.

Horizontal Gaze Nystagmus Exercise (Streamlight red LED pen used as a contrasting stimulus)

SCANNED
OCT 22 2019

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- I checked for resting nystagmus which was not observed in either eye
- I checked for equal pupil size and equal tracking; Both pupils were equal in size and both eyes tracked the stimulus equally
- Subject initially moved entire head contrary to the instructions and had to be reminded not to move his head
- I observed a lack of smooth pursuit in both eyes
- I observed distinct and sustained nystagmus at maximum deviation in both eyes
- I observed nystagmus prior to 45 degrees that was distinct and sustained

Walk and Turn Exercise (A yellow line was used that was constructed using yellow duck tape at the gas station)

- Did not stay in the starting position as instructed
- Started exercise prior to command to begin
- Stepped off line multiple times
- Following the turn around the subject did not take the 9 return steps as instructed

One Leg Stand Exercise

- Placed foot down multiple times
- Swayed
- After placing his foot down he did not continue counting from the last number as instructed

Finger to Nose Exercise

- Missed touching his finger tip to his nose tip as instructed

Modified Rhomberg Balance Exercise

- 35 seconds elapsed during the 30 second time estimation

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Michael Eric Settles committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcoholic beverages, any chemical substance per Florida State Statute 877.111, or any controlled substance per Chapter 893, while their normal faculties were impaired. Mr Settles was placed under arrest for the above offense and handcuffed behind his back. He was later transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. During the ride he appeared to fall asleep in the back of my patrol vehicle. At the BAT facility a 20 minute observation period was conducted where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). He was then asked to provide a breath test sample to test for the alcoholic content of his breath. He refused to provide a breath test sample. He was then read the

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Florida Implied Consent drivers license suspension warning and he still refused to provide a breath test sample. A refusal time of 10:58PM was notated. The Constitutional Warning document was read to Mr. Settles and he stated that he was unwilling to answer any questions. He was then placed in a holding cell and the handcuffs were removed. After I finished my rough arrest report he was taken from the holding cell and handcuffed behind his back again. He was transported to JFK Hospital North for medical clearance. After he was medically cleared he was transported back to the Palm Beach County Jail and booked without incident. Mr. Settles was issued a DUI citation. All of the above events occurred in Palm Beach County, FL.

Note: My patrol vehicle is equipped with in car video and audio that is available upon request.

Jail Bookin Facility

Booking Date/Time 0.0000	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
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Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Number

Booking Comments

Court

Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time 11/21/2019 8:30AM	Court Fine
Comments			

Officer Name Rank / ID # IV, ANDREW L TROOPER 3651	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPL\LWRCC\PALM BEACH\SR702 TO MARTIN LN
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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 IV, ANDREW L	Office Rank TROOPER	Officer ID No 3651	Sworn and subscribed before me, the undersigned authority This the <u>22</u> day of <u>October</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			  ds E. Gammann 30562
Officer Signature			

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, IV, ANDREW L, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FLORIDA HIGHWAY PATROL, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 21st day of October, 2019, at ~9:56 ☒ P.M. ☐ A.M.

DRIVER MICHAEL ERIC SETTLES
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# S342545851760, state of FL, was placed under lawful arrest for

316.193(1)
the offense of D.U.I. - DRIVING UNDER THE INFLUENCE (MISD... by IV, ANDREW L and
(Name of Arresting Officer)

issued Citation # A76S96E

That on or about the 21st day of October, 2019, at ~10:58 ☒ P.M. ☐ A.M.
in Palm Beach County,

I requested that the driver submit to a ☒ breath and/or ☐ urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

Andrew L

Signature of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

The foregoing instrument was sworn and subscribed before me:

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this 21st day of October, 2019,
by Trp IV,
who is personally known to me or who has produced

as identification.

Notary Public

HSMV-BAR1001 (REV. 10-20-16) BEVERLY SUE OWEN
MY COMMISSION # GG 188278
EXPIRES: May 30, 2022
Bonded Thru Notary Public Underwriters

Signature of Attesting Officer

Title

Date

Note: Mail or hand deliver to the designated
Bureau of Administrative Reviews office,
Department of Highway Safety and Motor
Vehicles, with the driver's license, the
appropriate copy of the UTC, and the
probable cause affidavit.

TESTING FACILITY TASK REPORT

AGENCY: FHP
SUBJECT: SETTLES MICHAEL E CASE NUMBER: 19-128830
DATE: 10/21/19 VIDEO TAPE NUMBER: N/A
BEGINNING TIME: 22:55 ENDING TIME: 23:00

BREATH TESTS RESULTS: 1) R TIME 22:58 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: P. POUND #24639

MAINTENANCE TECHNICIAN: J. LARIELLE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM

CLOTHING: GRAY SHORTS, WHITE SHIRT, NO SHOES

MEDICAL CONDITIONS: ADHD

MEDICATIONS: ADDERALL

OTHER: EYES

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20
MINUTE OBSERVATION PERIOD AT 22:34 HRS.

A. REFUSED TO ANSWER FORMAT QUESTION

A. REFUSED TO TAKE TEST

A/O. READ I/C

A. STATED NO COMMENT TO UNDERSTANDING I/C,
ALSO STATED HE WOULD REFUSE TEST.

A/O. READ RIGHTS

NO Q&A CONDUCTED

REFUSED

REFUSED



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

PBSO CASE # 19-128830

AGENCY CASE# FHPL19OFF069696

AGENCY ZONE 3-13

CRASH CASE # FHPL19OFF069696

TIME OF STOP/CRASH ~8:55PM DATE 10/21/2019 DAY MONDAY

SUBJECT'S NAME MICHAEL ERIC SETTLES RACE WHITE SEX MALE

HGT 5'11" WGT 195LBS DOB 5/16/1985

LOCATION INTERSTATE 95 NB EXIT RAMP TO INDIANTOWN ROAD

ARRESTING OFFICER'S NAME & ID TPR ANDREW IV #3651 AGENCY FLORIDA HIGHWAY PATROL

DIVISION: TROOP L - LAKE WORTH

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 22:34

BREATH RESULTS:

ARREST TIME ~9:56PM

1.
2. **REFUSED**
3.
4.

TESTING OFFICER'S ID 24639

PBSO VIDEOTAPE # N/A

SUBJECT: SETTLES, MICHAEL E CASE NUMBER: FHPL190FF069696

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? Refused

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: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

SUBJECT: SETTLES, MICHAEL E CASE NUMBER: FHPL190FF06996

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 in 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	☐	415.107 (1)	Other: Elderly Abuse	
	☐	119.0712 (2)	Other: Personal Information Contained in a Motor Vehicle Record	

REVIEW COMPLETED BY

Booking Number: 2019034304

Date: 10/22/2019

Specialist Name/ID: M. Tooks #8557