



0511274 19CT17953ANB
Arrest Report

3190

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

Report Date / Time 9/26/2019 01:31 AM	Report Number FHP99ARR762621	Case Number/Cad Number FHPL19OFF063606 / LWRC19CAD175524	Reporting Officer Name MITCHELL, COLE E
Originating Agency ORI	Occur Date Time Range 09/26/2019 00:56:53 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description SB I95 NORTH OF OKEECHOBEE BLVD
Street Number SB I95 NORTH OF 704 R/S	Street	Apt/Lot/Bldg WEST PALM BEACH
City WEST PALM BEACH	State FL	Zip Code 33401

Defendant

First Name MICHAEL	Middle Name JOHN	Last Name RUTLEDGE	Suffix	Race WHITE	Sex MALE	Height 510	Weight 173	Hair WHI	Eyes BLU
MNI #	SSN	Date of Birth 2/20/1964	Age 54	Place of Birth YORK PA UNITED STATES	Drivers License or other ID R343550644600	State FL	ID Type E	Address * RESIDENCE / 300 BEACH RD APT 305 , , FL 33469 /	

Arrest

Arrest Date/Time 9/26/2019 1:17:18 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description SB INTERSTATE 95
Street Number	Street	Apt/Lot/Bldg PAM BEACH COUNTY
City WEST PALM BEACH	State FL	Zip Code 33401

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	<input type="checkbox"/> 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	<input type="checkbox"/> No Bond		
Bond Type(s)			

Probable Cause

On Friday, September 26, 2019 at approximately 12:50 A.M. while on routine patrol in my marked patrol vehicle, I observed there to be a dark colored sedan to be traveling at a high rate of speed south bound on Interstate 95 north of 45th St in the inside center lane. I initially observed the vehicle to be approaching my patrol vehicle in my rear view mirror. The vehicle then passed me on the left side of

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Thomas 7906

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my patrol vehicle and continued at a high rate of speed southbound. I then over took the vehicle in order to pace the vehicle using my calibrated speedometer in my marked patrol vehicle (FHP0185). I paced the vehicle to be traveling 90 mph in a 65 mph zone. I then activated my emergency lights and sirens in order to conduct a traffic stop on the suspect vehicle(Tag # HLMZ09). Once the vehicle stopped on the right paved shoulder I approached the passenger side of the vehicle in order to ID the driver. I introduced myself to the driver, asked for licence, registration and insurance and advised the driver the reason for the traffic stop (Speeding). I immediately observed there to be an odor of an unknown alcoholic beverage coming from the inside of the suspect vehicle. I asked the driver where he was coming from. He advised Jupiter and that he was on his way to pick up a friend from the airport. I asked the driver if he had anything to drink which he stated no. I asked the driver if he was any medication he advised no. During this time I observed the driver to have slurred speech and to be tripping over his words. The driver then provided me with the documents I asked for. During this time I observed the driver to have very slow movements and had a hard time putting the documents in my hand. I advised the driver to stay put while I go to my patrol car to advise dispatch of my traffic stop. I then ran the driver through FCIC/NCIC. I identified the driver to be Michael Rutledge by his Florida drivers license. I then moved my patrol vehicle in order to have room to conduct Standard Field Sobriety Exercises. I then approached the driver on the driver side of the vehicle in order to further observe the Michael's speech and eyes. Upon making contact with Michael, a second time, I again observed there to be an odor of an unknown alcoholic beverage coming from the inside of the vehicle. I also observed Michael to have red glossy eyes. I then advised Michael that because of the events I have observed up to this point that I was going to ask him to step out of the vehicle in order to conduct Standard Field Sobriety Exercises. Michael complied and exited the vehicle. I then moved Michael to the rear of his vehicle in order to further observe the him. I then asked Michael if he would be willing to conduct Standard Field Sobriety Exercises in order to determine his level of impairment and to see if he was ok to drive. Michael complied. I then asked Michael if he had any alcoholic beverages at all today. He advised he had one vodka drink earlier at 5 p.m. during this time I observed there to be an odor of an unknown alcoholic beverage coming from Michael breath and mouth area. I then moved Michael to the front of my patrol vehicle in order to conduct the roadsides.

The area for the roadside exercises was on a slight decline to the right and clear of any debris. I asked Michael if he would be able to conduct the roadsides on the surface provided to which he agreed and that he would be able to conduct the roadsides. Michael was asked if he had any problems with his eyes, suffered any head injuries or was currently taking any medication. Michael advised he used glasses to read and that he currently takes HIV medication but is okay to drive after taking it. I then asked Michael if he had any injuries that would prevent him from being able to perform any of the exercises. Michael stated no. I observed during this questioning, that Michael still was giving off an odor of an unknown alcoholic beverage coming from his breath and mouth area.

Horizontal Gaze Nystagmus:

Michael had equal pupil size and equal tracking. Michael had smooth pursuit in both eyes. Michael showed distinct nystagmus at maximum deviation. Joseph also showed onset of nystagmus prior to 45

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degrees.

Walk and Turn Exercise:

Interaction phase:

- Michael swayed in starting position.
- Michael started before telling to do so.
- The exercise was then explained and demonstrated.
- Michael advised he understood the directions and didn't have any questions.
- Michael was not taking heel to toe steps as directed on steps one, three, four, five, seven and nine on his first steps and two, three, four, five, six, seven and nine on his second set of steps.
- Michael stepped off the line.
- Michael failed to turn around as directed.

One Leg Stand Exercise:

Interaction phase:

- Michael swayed in the starting position.
- The exercise was explained and demonstrated.
- Michael advised he understood the instructions and did not have any questions.
- Michael did not raise his foot six inches off the ground as instructed.
- Michael put his foot down during the exercise.
- Michael exhibited leg and body tremors.
- Michael used his arms for balance.
- Michael counted 7 twice.
- Michael counted from 11 to 10
- Michael stopped counting in the manner directed.

Finger to Nose Exercise:

Interaction phase:

- Michael swayed in the starting position.
- The exercise was explained and demonstrated
- Michael advised he understood the instructions and had no questions.
- On Michael's first attempt he touched the side of his nose with the pad of his right finger.
- On Michael's second attempt he touched the side of his nose with the pad of his left finger.
- On Michael's third attempt he touched the side of his nose with the pad of his right finger.
- On Michael's fourth attempt he touched the side of his nose with the pad of his left finger.
- On Michael's fifth attempt he touched the side of his nose with the pad of his left finger.
- On Michael's sixth attempt he touched the side of his nose with the pad of his right finger.

Modified Rhomburg exercise:

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Interaction phase:

- Michael swayed in the start position.
- The exercise was explained and demonstrated.
- Michael advised he understood the instructions and had no questions.
- Michael had orbital sway and eye tremors.
- Michael estimated only 16 seconds.

Due to the totality of the circumstances Michael was placed under arrest for DUI to Florida Statute 316.193 at 1:17 a.m. A search of Michael was conducted prior to placing him in my marked patrol vehicle where he was then transported to Palm Beach County Jail in which he arrived at approximately 1:55 a.m. Michael was advised that he was under audio and video recording. I observed there to be and odor of an unknown alcoholic beverage coming from Michael while he was in my patrol car. Inside the Palm Beach County Jail's breath and alcohol facility (BAT) Michael began his 20 min observation period prior to being provided the opportunity to provide a breath sample. After the 20 min observation period Michael was provided the opportunity to provide a breath sample to which he refused at 2:21a.m. Joseph was then read implied consent to which Michael stated he understood but still refused to give a breath sample. Michael was then read his constitutional warnings where he advised he understood and advised he would not like to answer any questions at this time at 2:22 a.m.

Video of the roadside exercises and transport to the Palm Beach County jail can be obtained through the FHP custodian.

Video of the Palm Beach County BAT facility can be obtained through the Palm Beach County Sheriffs Office records department.

Jail Bookin Facility

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

Booking Facility Location Booking Number

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Comments

Court

Court County	Court Location		
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court	Court Phone	Court Appearance Date / Time	Court Fine
CRIMINAL JUSTICE COMPLEX	561-355-2994	10/25/2018	
Comments		16 sec car	

Officer Name
Rank / ID #

Involvement On Report /
Reporting Role

Officer Agency
Org/Unit

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MITCHELL, COLE E TROOPER	4121	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL1LWRCCIPALM BEACHIBROW LN TO SR804
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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 MITCHELL, COLE E	Office Rank TROOPER	Officer ID No 4121	Sworn and subscribed before me, the undersigned authority This the _____ day of _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FHP/MITCHELL

SUBJECT: RUTLEDGE, MICHAEL

CASE NUMBER: 19-119377

DATE: Sep 26, 2019

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0219

ENDING TIME: 0222

BREATH TESTS RESULTS: 1) R TIME 0221 A.M. P.M. 2) XX TIME XX 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: GREY/PURPLE PLAID SHIRT, BLACK DRESS PANTS, BLACK LOAFERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

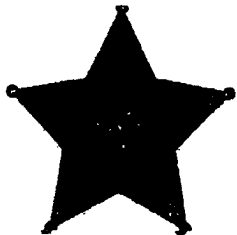
EYES: GLASSY AND BLOODSHOT,

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0155
SUBJECT REFUSED TO TAKE BREATH TEST
A/O READ I/C
SUBJECT STATED HE UNDERSTOOD I/C
AND AGAIN REFUSED TO TAKE BREATH TEST @ 0221
A/O READ RIGHTS
SUBJECT STATED HE UNDERSTOOD HIS RIGHTS
AND REFUSED ANY QUESTIONING

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

PBSO CASE # 19-119377 PBSO ZONE 3-22

AGENCY CASE # FHPL190FF063606 CRASH CASE # NIA

TIME OF STOP/CRASH 12:56 am DATE 9/26/2019 DAY Thursday

SUBJECT'S NAME Michael John Rutledge RACE W SEX M

HGT 5-10 WGT 170 DOB 12-26-1964

LOCATION SB I 95 North of Okeechobee Blvd.

ARRESTING OFFICER'S NAME & ID Cole Mitchell 4121 AGENCY FHPL

DIVISION: Road Patrol

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 0155

Arrest Time 1:17 Am

BREATH RESULTS:

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

TESTING OFFICER'S ID ~~000~~ 24520 PBSO VIDEOTAPE # N/A

NOT A CERTIFIED REUSED

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SUBJECT: Rutledge, Michael CASE NUMBER: FHPL19OFF063600

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 Trooper Mitchell 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.

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SUSPECT'S SIGNATURE: (X) Read on Camera

SUBJECT: Rutledge, Michael CASE NUMBER: FHPL190FF063606

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: Trooper Mitchell #4121

PBSO #0129C REV. 9/93 WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

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

I, Cole Mitchell, 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 26 day of September, 20 19, at 1:17 P.M. A.M.

DRIVER Michael Rutledge
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# R34355064460, state of Florida, was placed under lawful arrest for

the offense of DUI by Cole Mitchell and
(Name of Arresting Officer)

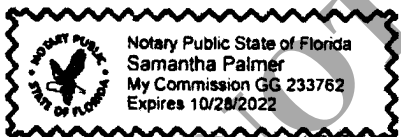
issued Citation # A75203E.

That on or about the 26 day of September, 20 19, at 2:21 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.

[Signature]
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 26 day of Sept, 20 19,
by Trooper Mitchell,
who is personally known to me or who has produced
[Signature] as identification

Signature of Attesting Officer
Title _____
Date _____

Notary Public [Signature]

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.

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Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), 2(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>	539.001 FS	Other: All records relating to pawnbroker transactions.	
	<input type="checkbox"/>	119.0712(2)	Other: Personal information contained within a motor vehicle record	

REVIEW COMPLETED BY

Booking Number: 2019031360	Date: 09/26/2019
	Specialist Name/ID: howardt7185

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