

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 16 DAY OF August 20 17, AT 0148 AM PM
SUBJECT: Michael J. Massey CASE NUMBER: 17-003983
AGENCY: JUPITER POLICE DEPARTMENT ARRESTING OFFICER: Ofc. Fandrey #340
PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)
I observed a red Nissan bearing FL tag #958YES traveling east on Main St towards the Main St/S Central roundabout. The vehicle turned into Scripps Way and continued around through the Florida Atlantic University parking lot at what I visually estimated to be about 35mph. The vehicle failed to completely stop for several stop signs in the parking lot. The vehicle then turned south into the north bound lanes of Parkside Dr from MacArthur Blvd. At this point I conducted a traffic stop by activating my overhead red and blue lights. I then exited my vehicle and made contact with the driver who was positively identified as W/M Michael J. Massey (2/27/79).

OBSERVATION OF DRIVER:

Massey had red bloodshot glassy eyes and the odor of an unknown alcoholic beverage coming from his person. Massey was calm but extremely talkative. Massey was unsure of where he was and was apologetic about the entire situation and explained that he was lost. Massey was unsteady on his feet and was constantly moving his feet to maintain his balance. Massey was also swaying while standing still.

DRIVER'S STATEMENTS:

Massey stated that his girlfriend and him were coming from Jumby Bay and that he had a couple of drinks earlier in the night. Massey stated that he was sorry and understood that I was doing my job. Massey stated that he had a couple of glasses of wine prior to 11pm. Massey stated that he was at about a 2 out of 10 on a scale of 1-10 with 1 being completely sober and 10 being the most drunk he's ever been. Massey stated that he thought he was ok to be driving.

ODORS:

Odor of an unknown alcoholic beverage coming from his person. This odor remained in my vehicle even after removing Massey from my vehicle.

GENERAL OBSERVATIONS

SPEECH: Clear, repetitive

ATTITUDE: Calm, cooperative, unsure of what to do, confused

CLOTHING: Blue shirt, gray shorts, gray shoes

MEDICAL/OTHER: No injuries stated.

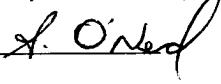
STATE OF FLORIDA
COUNTY OF PALM BEACH

 340
(Signature of Arresting/Investigative Officer)

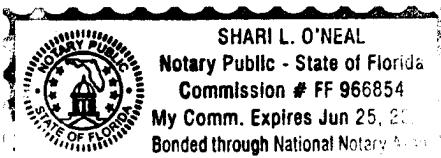
The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of August 20 17 by Ofc. Fandrey #340

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

Personally Known

S. O'Neal #6212 

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



SCANNED

AUG 18 2017

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

<input checked="" type="checkbox"/> LT EYE-LACK OF SMOOTH PURSUIT	<input checked="" type="checkbox"/> RT EYE-LACK OF SMOOTH PURSUIT
<input checked="" type="checkbox"/> LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION	<input checked="" type="checkbox"/> RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
<input checked="" type="checkbox"/> LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES	<input checked="" type="checkbox"/> RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Slight sway, red bloodshot glassy eyes, unable to stand still, unable to follow directions

WALK & TURN

Massey did not maintain the starting position during the instructions and demonstration phase. Massey was not following directions and began early. Massey was swaying and continued to move his feet around. Massey stated he understood the instructions. Massey took nine steps and stopped. Massey was reexplained the instructions and again could not maintain the starting position and kept lifting his arms up to balance. Massey stated "I couldn't do this even if...." and did not complete his statement. Massey again began early. Massey missed heel to toe and conducted an improper turn as well as stepped off line.

ONE LEG STAND:

Massey stated that he understood the instructions. Massey used his arms for balance. Massey placed his foot down three times over the course of the thirty seconds. Massey was swaying while balancing.

FINGER TO NOSE:

Massey stated that he understood the instructions. Massey closed his eyes and tilted his head back prior to being instructed to do so. Massey missed the initial left and touched his top lip. On the two rights Massey initially reached up with his left hand about half way before putting his left hand back down and using his right hand.

ROMBERG ALPHABET:

Massey stated that he understood and completed the task correctly.

BREATH TEST RESULTS: Refused

Refused

STATE OF FLORIDA
COUNTY OF PALM BEACH

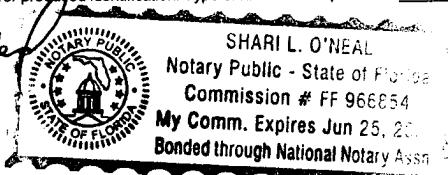
(Signature of Arresting/Investigative Officer)

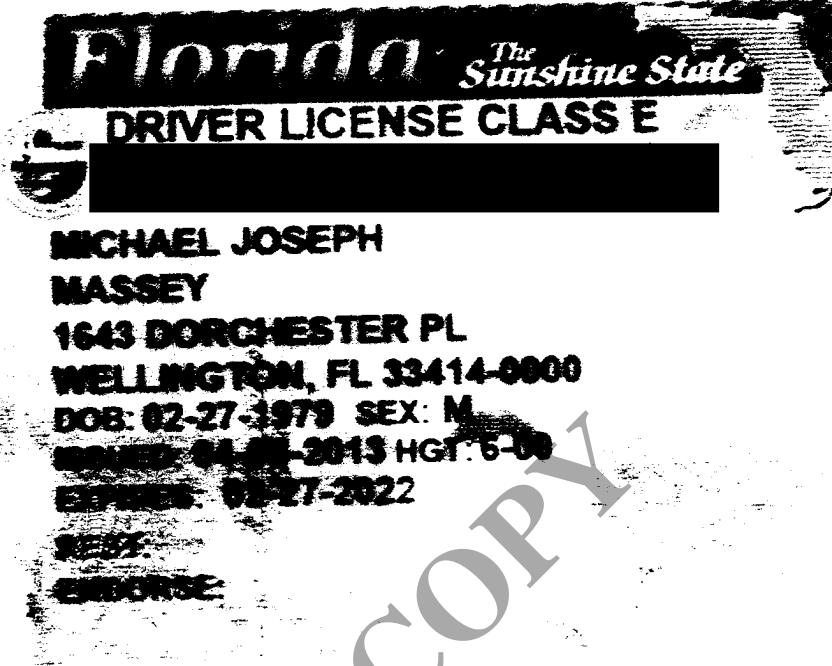
The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of August 2017 by Ofc. Fandrey #340

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

Personally Known

S. O'Neal #6212





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

240

SCANNED
AUG 18 2017

SUBJECT: MARIA M. T. V.

CASE NUMBER: 156-901

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) _____

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) Ron G.

SCANNED
AUG 18 2017

SUBJECT: Michael J. HarganCASE NUMBER: 1760963

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? SW WHERE DID YOU START? Franklin

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? 10/10 WHAT DAY OF THE WEEK IS IT? Wednesday

WHAT COUNTY AND CITY ARE YOU IN NOW? St. Louis County

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? Breakfast

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Driving home

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? 8:00 AND YOUR LAST DRINK? 11:00

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? Yes 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? No WHAT'S WRONG? _____

DO YOU LIMP? No 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? No WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? No 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? No

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION? _____

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

SCANNED

AUG 18 2017

INTERVIEWER: Off. Fred J. Hargan

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

TESTING FACILITY TASK REPORT

AGENCY: AFS Off. Sandusky #340

SUBJECT: Murphy, Michael J.

CASE NUMBER: 17-11522

DATE: 08-16-17

VIDEO TAPE NUMBER: 63211

BEGINNING TIME: 07:00:00

ENDING TIME: 08:45:00

BREATH TESTS RESULTS: **REFUSED**

1) TIME 07:00:00 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. Oliver #612

MAINTENANCE TECHNICIAN: 111 J. Younce #1461

TESTING OFFICER'S OBSERVATIONS

SPEECH:

ATTITUDE: Calm, Cooperative, Truthteller

CLOTHING: Shirt: Navy Blue T-shirt, pants: Gray

MEDICAL CONDITIONS: N/A

MEDICATIONS: N/A

OTHER: Eyes: Red + Gassy

Face: Flushed

COMMENTS: 20 min. observation, done by AIO Facility

AIO reported the subject to +

he was unable to meet the request.

AIO had the subject contact his lawyer.

He stated the request of the TIC was met.

Officer: N/A

Officer: N/A

Officer: N/A

SCANNED

AUG 18 2017

WITNESS LIST

CASE NUMBER: 17-003983

ARRESTING OFFICER: **Ofc. Fandrey #340**

ADDRESS: **210 Military Trail Jupiter FL 33458**

PHONE NUMBERS (HOME): _____ (WORK) **561-746-6201**

CAN TESTIFY TO: **See PC**

NAME: **MPO Marinucci 371**

ADDRESS: **210 Military Trail Jupiter FL 33458**

PHONE NUMBERS (HOME) _____ (WORK) **561-746-6201**

CAN TESTIFY TO: **Assisting on scene**

NAME: **MPO Harris #356**

ADDRESS **210 Military Trail Jupiter FL 33458**

PHONE NUMBERS (HOME) _____ (WORK) **561-746-6201**

CAN TESTIFY TO: **Assisting on scene**

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

SCANNED

AUG 18 2017