0506214

19GT4945SB 3824

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

OBTS Number

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias | 1 | Juvenile | N

ADMINISTRATIVE

Agency ORI Number: FLO 500000
Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE
Agency Report Number (N.T.A.'s only): 06- 19-048238

Charge Type: (Check as many as apply) 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other
Weapon Seized / Type: 2 (1. Yes 2. No)
Multiple Clearance Indicator: 01

Location of Arrest (Including Name of Business): 5500 BLOCK OF GATEWAY BLVD
Location of Offense (Business Name, Address): 5500 BLOCK OF GATEWAY BLVD #/, LAKE WORTH, FL 33472

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
03/15/2019	0059					Big City Towing

DEFENDANT

Name (Last, First, Middle): Smith, Michael, Paul
Alias (Name, DOB, Soc. Sec. #, Etc.):

Race (W - White I - American Indian B - Black O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	5/20/1971	5'10	215	BLUE	WHITE	FAIR	HEAVY

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):
Marital Status: Single
Religion: CATHOLIC
Indication of: Alcohol Influence (Y) Drug Influence (N) Unk.

Local Address (Street, Apt. Number) (City) (State) (Zip): 6453 Terra Rosa Cir, Boynton Beach, FL 33472
Phone: (561) 000-0000
Residence Type: 1. City 2. County 3. Florida 4. Out of State: 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 6453 Terra Rosa Cir, Boynton Beach, FL 33472
Phone: ( )
Address Source: FL DL

Business Address (Name, Street) (City) (State) (Zip):
Phone: ( )
Occupation:

DL Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
S530555711800, FL	[redacted]		FT. HOOD, TX	U.S

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile

JUVENILE

Parent / Legal Custodian / Other: Name (Last) (First) (Middle) — Residence Phone ( )
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 ☐ defendant and / or ☐ 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. ☐ Yes, by: (Name) ☐ No: (Reason)
School Attended — Grade
Property Crime? ☐ Yes ☐ No — Description of Property — Value of Property

CODE

Drug Activity: M. N/A B. Buy P. Possess | S. Sell 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

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
D.U.I.	1	☐Y ☒N	316.193 (1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
M	N		19-048238		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address): South County Courthouse, Courtroom #1, 200 W. Atlantic Ave., Delray Beach, FL 33444 - Ph: (561) 355-2996
Court Date and Time: Month April Day 15th Year 2019 Time 8:30 AM X PM

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

X _____ 03/15/2019
Signature of Defendant (or Juvenile and Parent/Custodian) — Date Signed

ADMIN

HOLD for other Agency Name:
☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:
Intake Deputy — I.D. # — Pouch #

Signature of Arresting Officer: X
Name of Arresting Officer (Print): D/S R. Gonzalez — I.D. # 31774
Transporting Officer: D/S R. Gonzalez — ID # 31774 — Agency PBSO

Name Verification (Printed by Arrestee)
(PRINT) MAR 15 AM 4:59
Witness here if subject signed with an "X"

PAGE 1 OF 1

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (N.T.A.'s ONLY)

PBSO #148 REV. 8/97

NOT A CERTIFIED COPY

2019 MAR 15 AM 8:44

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 15TH DAY OF MARCH 20 19, AT 0025 ✓ AM PM

SUBJECT: Smith, Michael, Paul CASE NUMBER: 19-048238

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S R. Gonzalez

PERSONAL CONTACT

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

I was called to the scene of a traffic stop as a backup officer near 5500 block of Gateway blvd, in unincorporated Palm Beach County, Florida, I arrived at the scene at approximately 0000 hours.

D/S Robinette # 31773 told me, in a signed sword PC Supplement, that he had stopped the defendant's vehicle a White Jeep with FL TAG Z17ISY because the defendant's vehicle was speeding. D/S Robinette noticed that the defendant had articulable indicators of impairment, so he requested me to respond to conduct a possible DUI investigation. D/S Robinette identified the defendant, to me, as the driver / sole occupant of the defendant's vehicle, at the time of stop. (see supp PC for further).

OBSERVATION OF DRIVER:

I observed that Michael Smith was wearing blue jeans and gray shirt. I could smell the odor of an unknown alcoholic beverage, based on my training and experience, coming from the defendant which intensified when he spoke. While questioning Michael Smith, I observed that he seemed to be confused by my questions by not understanding simple direct questions. Smith also did not know how to answer the questions and would ask a question instead of answering. I observed Michael Smith eyes appeared bloodshot, watery and glassy. Micheal's speech was slurred and lethargic. Smith was asked to exit the vehicle to perform field sobriety tasks and he agreed. While exiting the vehicle, Smith appeared to be shaky on his feet and used the car to assist him with standing, had difficulty maintaining balance and walking.

DRIVER'S STATEMENTS:

I asked if the driver had been drinking or used any drugs. Smith stated he came from the bar and had a couple (2-3) drinks of Bud Light. I asked Smith if had any medical problems and he stated no. Smith stated he wore glasses, but did not have them on.

ODORS:

Obvious odor of an unknown alcoholic beverage based on my training and experience which intensified as the defendant spoke to me.

GENERAL OBSERVATIONS

SPEECH: **slurred, slow, unclear**

ATTITUDE: **calm, compliant, upset**

CLOTHING: **wearing blue jeans and gray shirt**

MEDICAL/OTHER: **NONE**

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S R. Gonzalez
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 15th day of MARCH 20 19 by D/S R. Gonzalez

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

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

Notary Public State of Florida
Paris Pound
My Commission GG 200028
Expires 03/25/2022

NOT A CERTIFIED COPY

SUBJECT: Smith, Michael, Paul **CASE NUMBER** 19-048238

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Once positioned in the front of my vehicle, I continued my investigation. I instructed Michael Smith to keep his hands by their side, stand with his feet together, and follow a stimulus with his eyes and not turning his head. I asked him if he understood my instructions. Smith verbally stated he understood my instructions. Smith however swayed while standing stationary. I observed both eyes to be red, bloodshot, and glassy. His left and right eye displayed equal pupil size, equal tracking, and a lack of smooth pursuit. I observed distinct and sustained nystagmus was present in both his left and right eye at maximum deviation during two separate four second evaluations. The onset of nystagmus was prior to a 45 degree angle in both his left and right eye during two separate four second evaluations. Vertical nystagmus was not present in both the left and right eye during two separate four second evaluations. While conducting the task I had to remind him to keep hands by his side, not turn his head and follow the stimulus multiple times.

WALK & TURN:

I positioned Michael Smith on a painted white line which was on a smooth and level surface, free of any debris and well lit by the headlights on my vehicle and nearby street lighting. I instructed the driver to place his left foot on the line and his right foot in front of the left touching heel to toe. I instructed him that he was to keep his hands at his side and stay in this position until I instructed him to do otherwise. Before the task, I observed the driver swayed while balancing, started too soon prior to being instructed to start. The defendant did not touch heel to toe in the structional stance as instructed. He used his arms to maintain balance (+6"). Michael Smith could not perform task.

ONE LEG STAND:

I placed Michael Smith with his feet together and arms at his side. I demonstrated the task as I verbally instructed him to raise one of his feet approximately six inches off of the ground, point his toe towards my patrol car, look at the raised foot, and count out loud 1001, 1002, 1003 and so on until told to stop. I asked him if he understood the instructions and demonstration I provided. After Smith stated he understood my instructions, the task was performed. While Smith stood in the instructional position, I observed he started to sway while standing stationary. While raising his foot he swayed while balancing, put foot down (within 30 seconds), could not do task (put foot down three times).

FINGER TO NOSE:

I instructed Michael Smith to stand with his feet together, make each hand into a fist keeping, extended his index fingers and to place his palms facing up. He was instructed to lower their arms by their side. I instructed and demonstrated the proper hand and arm position and for him to remain in this position while I demonstrated the rest of the task. I instructed and demonstrated him to tilt his head back approximately 45 degrees and close their eyes while waiting for a verbal command of left or right. On the command of "left" or "right", he would raise the requested hand, touch the tip of his finger to the tip of his nose, then bring their hand immediately back down to his side. During the instruction and demonstration of the task he swayed heavily while standing in the instructional position. Also while attempting to position him in the instructional stance he had difficulty with manual dexterity. I asked him if he understood the instructions I provided and he verbally stated he understood. I instructed him to start the task as explained. During the task, I observed the driver did not keep eyes closed, failed to return arms to side, correct finger did not touch tip of nose.

ROMBERG ALPHABET:

I verbally inquired if Michael Smith could recite the entire English alphabet. He stated he was able to recite the English alphabet and I instructed him to place their feet together with his arms at their side and stay in this position until told to do otherwise. I instructed him that upon starting he was to tilt his head back approximately 45 degrees and close their eyes. He would begin to state the alphabet in a slow and methodical manner without singing or rhyming it. I asked him if he understood the instructions and he verbally replied he understood. During the instructions he continued to sway while standing stationary. I instructed Smith to start the task as explained. During the task, I observed the driver did not keep eyes closed, swayed more than (+2") from side to side, from front to back, and could not finish reciting the alphabet.

BREATH TEST RESULTS: **Refused**

NOT ACCEPTIFIED COPY

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S R. Gonzalez
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 15th day of MARCH 20 19 by D/S R. Gonzalez

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

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

Notary Public State of Florida
Paris Pound
My Commission GG 200028
Expires 03/25/2022

WITNESS LIST

CASE NUMBER: 19-048238

ARRESTING OFFICER: D/S R. Gonzalez

ADDRESS: 7894 S. Jog Road Lake Worth, FL 33463

PHONE NUMBERS (HOME): (561) 688-4860 (WORK) (561) 688-4860

CAN TESTIFY TO: FACTS OF CASE AND INVESTIGATING SUCH CASE

NAME: D/S C. Ward 16305

ADDRESS: 7894 S Jog Rd, Lake Worth, FL 33463

PHONE NUMBERS (HOME) 561-688-4860 (WORK)

CAN TESTIFY TO: Back Up officer

NAME: D/S D. Robinette 31773

ADDRESS 7894 S Jog Rd, Lake Worth, FL 33463

PHONE NUMBERS (HOME) 561-688-4860 (WORK)

CAN TESTIFY TO: Stopping Deputy, Wheel Witness, Tow

NAME:

ADDRESS

PHONE NUMBERS (HOME) (WORK) 0

CAN TESTIFY TO:

NAME:

ADDRESS

PHONE NUMBERS (HOME) (WORK)

CAN TESTIFY TO:

NAME:

ADDRESS

PHONE NUMBERS (HOME) (WORK)

CAN TESTIFY TO:

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PHONE NUMBERS (HOME) (WORK)

CAN TESTIFY TO:

NAME:

ADDRESS

PHONE NUMBERS (HOME) (WORK)

CAN TESTIFY TO:

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: SMITH, MICHAEL P

CASE NUMBER: 19-048238

DATE: 03/15/19

VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 02:10

ENDING TIME: 02:15

BREATH TESTS RESULTS: 1) R TIME 02:13 (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. KARLICKE # 6467

TESTING OFFICER'S OBSERVATIONS

REFUSED

SPEECH: SLURRED

ATTITUDE: CALM QUIET

CLOTHING: BLUE JEANS, GRAY T-SHIRT BROWN BOOTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: EYES

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 01:47 HRS.

A. ASKED FOR A LAWYER

A/O. READ I/C 2 x 's

A. STATED AT FIRST HE DIDN'T UNDERSTAND I/C A/O. READ I/C AGAIN. A. ASKED TO SPEAK TO A LAWYER

A/O. CALLED REFUSAL @ 2:13

REFUSED

A/O. READ RIGHTS A. STATED HE DIDN'T UNDERSTAND IN WOULD LIKE TO SPEAK WITH A LAWYER.

A. NO Q+A CONDUCTED A. INVOKED HIS RIGHTS TO COUNSEL.

NOT A CERTIFIED COPY

SUBJECT: SMITH, MICHAEL P CASE NUMBER: 19-048238

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

NOT A CERTIFIED COPY

SUBJECT: SMITH MICHAEL P CASE NUMBER: 19-048238

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? _____

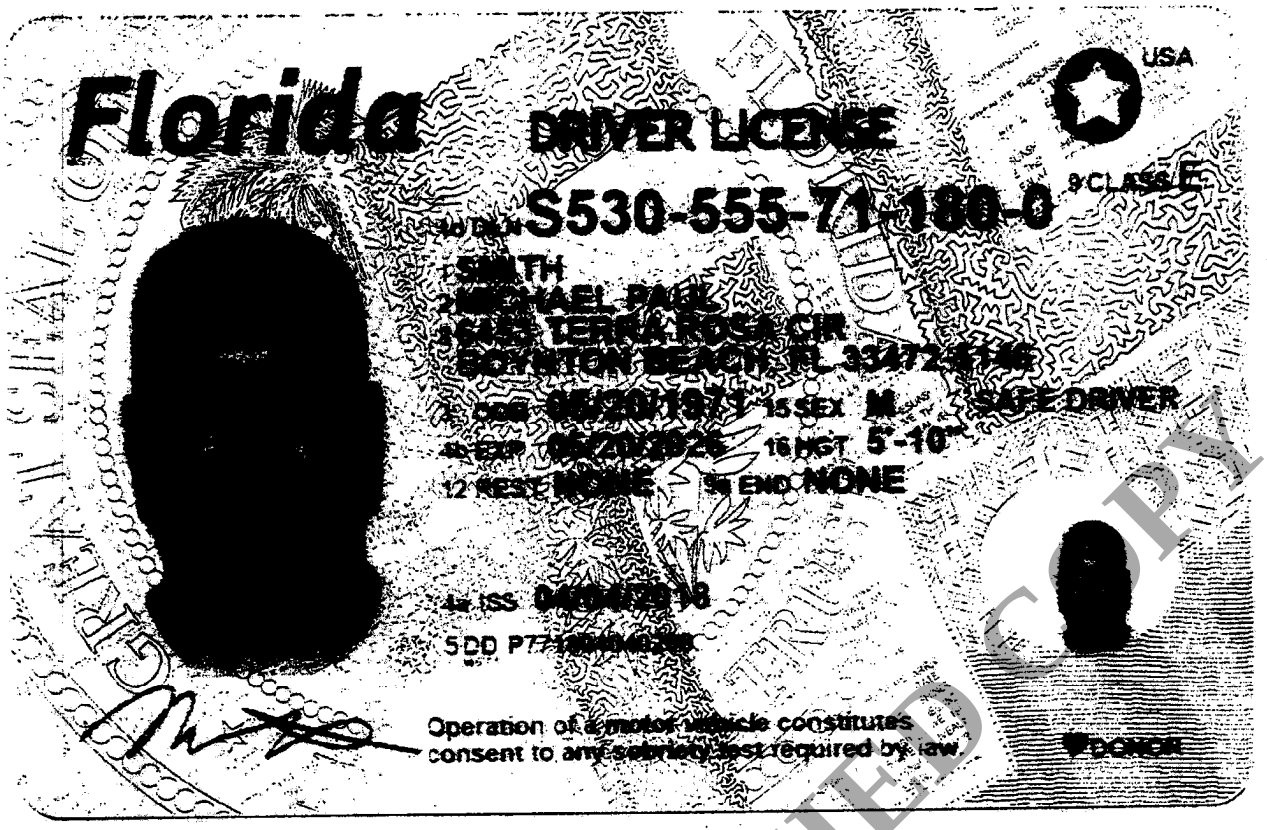
DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

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: _____

NOT A CERTIFIED COPY



NOT A CERTIFIED COPY

OBTS Number	PROBABLE CAUSE AFFIDAVIT	1. Arrest 3. Request For Warrant 2. N.T.A. 4. Request For Copies	1	Juvenile	N

Agency ORI Number	Agency Name	Agency Report Number	
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERRIF'S OFFICE	06	19048238

Charge Type: Check as many as apply — [ ] 1. Felony [ ] 2. Traffic Felony [x] 3. Misdemeanor [ ] 4. Traffic Misdemeanor [ ] 5. Ordinance [ ] 6. Other

Special Notes

Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth
SMITH, MICHAEL	W	M	05/20/1971

Charge	Charge
Driving while under the influence of alcohol	
Charge	Charge

Victim Name (Last, First, Middle)	Race	Sex	Date of Birth
State of Florida			

Local Address (Street, Apt. Number)	City	State	Zip	Phone	Address Source

Business Address (Street, Apt. Number)	City	State	Zip	Phone	Occupation

The undersign swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.
The person taken into custody...

[x] committed the below acts in my presence.

[ ] was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

[ ] confessed to admitting to the below facts.

[ ] was found to have committed the below acts, resulting from (described) investigation.

On the 15 day of March 20 19 at 12:25 [x] AM [ ] PM

On March 15th 2019 while conducting speed enforcement at the entrance of La Paloma development, I observed a white Jeep traveling northbound on military trail. I estimated the vehicles speed to be in excess of 60 MPH in a 45 mph zone. I focused my ULTRA LYTE LR B LTI20-20 serial # ux022856 on this vehicle and activated it getting a speed reading of 62 MPH. I proceeded to stop the vehicle at Water Chase West on Gateway Boulevard.

I approached the vehicle on the driver side door and immediately recognized the odor of an unknown alcoholic beverage, based on my training and experience, imitating from the driver which intensified as he spoke to me. I spoke to Michael Smith, the driver, and informed him of who I was and why I initiated the traffic stop. I asked Michael for his driver's licenses, his vehicle registration, and vehicle insurance. Michael proceeded to fumble around to obtain his insurance. Once he found and showed me his vehicle insurance he stopped moving. I asked Michael if he's had anything to drink tonight which he responded "about two drinks". I proceeded to ask Michael for a third time for his driver's licenses. I observed Michael to have poor fine motor skills as he rifled through his wallet. Michael had to take everything out of his wallet to find it and hand it to me.

Once I obtained Michael's DL I went to my patrol vehicle to run his information over the radio. When I came back to his vehicle I asked Michael again how much he's had to drink tonight to which he replied, "Honestly I'm not sure".

NOT A CERTIFIED COPY

The foregoing instrument was sworn to and affirmed before me this 15 day of March 20 19, by:

D/S R Gonzalez 31774
Name of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)

Signature of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)

D/S D. Robinette 31773
Name of Arresting/Investigating Officer

Signature of Arresting/Investigating Officer

STATE OF FLORIDA 19-048238

DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES

AFFIDAVIT OF REFUSAL TO SUBMIT TO

BREATH AND/OR URINE TEST

I, D/S R. Gonzalez, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Palm Beach County Sheriff's Office, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 15 day of March, 20 19, at 0059 ☐ P.M. ☑ A.M.

DRIVER Michael Paul Smith,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# S530555711800, state of Florida, was placed under lawful arrest for

the offense of D.U.I. by D/S R. Gonzalez and
(Name of Arresting Officer)

issued Citation # A2G43MP

That on or about the 15th day of March, 20 19, at 02:30 ☐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 of Law Enforcement Officer or Correctional Officer

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

Notary Public State of Florida
Paris Pound
My Commission GG 200026
Expires 03/25/2022

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 15th day of MARCH, 20 19, by D/S R. Gonzalez, who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Notary Public

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title Deputy Sheriff

Date 03/15/2019

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.

HSMV-BAR1001 (REV. 10/2016)

NOT A CERTIFIED COPY

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:	

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REVIEW COMPLETED BY

Booking Number: 201908839	**Date:** 15Mar19
	Specialist Name/ID: R Ehrenberg/6104