0504800

19CT 158694127

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

OBTS Number

ADMINISTRATIVE

Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 19029229

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized / Type: 1. Yes 2. No

Multiple Clearance Indicator

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
2500 BLOCK S JOG ROAD GREENACRES, FL 33463	2500 block S Jog Road Greenacres, FL, 33463

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
01/23/2019	23:48					Priority Towing

DEFENDANT

Name (Last, First, Middle): FOX MICHAEL S

Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	06/16/1987	5'08	205	HAZEL	BROWN	LIGHT	HEAVY

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): SCARS RIGHT

Marital Status | Religion | Indication of: Alcohol Influence ☐Y ☐N ☐Unk. Drug Influence ☐Y ☐N ☐Unk.

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
713 SUNNY PINE WAY APT H2	WEST PALM BEACH, FL 33415			(772) 418-3503	1

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

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

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
F200557872160	[redacted]		KNOXVILLE TENNESSEE	US

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:

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: N. N/A P. Possess S. Sell B. Buy 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
U	U		19029229		OR

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)

PALM BEACH COUNTY CRIMINAL JUSTICE COMPLEX - 3228 GUN CLUB RD WEST PALM BEACH FL, 33406

Court Date and Time: Month FEBRUARY Day 21 Year 2019 Time 08:30 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

Signature of Defendant (or Juvenile and Parent /Custodian) | Date Signed 01/23/2019

2019 JAN 24 AM 9:55

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): Corporal R Soriano | I.D. #: #9418

Transporting Officer: CPL SORIANO | ID #: 9418 | Agency: PBSO

Name Verification (Printed by Arrestee) (PRINT)

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 3148 REV. 8/97

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SUBJECT: FOX MICHAEL CASE NUMBER 19029229

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 Fox to keep his hands by his side, stand with his feet together, and follow a red light stimulus with his eyes not turning his head. I asked him if he understood my instructions. Once Fox verbally stated he understood my instructions, the task was performed. 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 Fox 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 Fox 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. Once placed into the instructed position, I explained and demonstrated the rest of the task. During the task, I observed Fox swayed while balancing and could not maintain the instructed position. While turning Fox stepped off stepped off the line and did not touch heel to toe. While walking Fox stopped to steady self and did not maintain arms by his side as instructed. (+6")

ONE LEG STAND:

I placed Fox with his feet together and arms at his side. Once Fox was placed into the instructed position, I explained and demonstrated the rest of the task. Once Fox stated he understood, the task was performed. During the task, I observed Fox used his arms for balance and had to be told to place arms by his side, did not look at his feet and placed his foot down twice within the 30 seconds.

FINGER TO NOSE:

I instructed Fox 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 his arms by his 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 his 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 his hand immediately back down to his side. During the instruction and demonstration of the task he swayed heavily while standing in the instructional position. 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 Fox correct finger did not touch tip of nose on 5 out of the 6 commands.

ROMBERG ALPHABET:

I verbally inquired if Fox could recite the entire English alphabet. He stated he was able to recite the English alphabet and I instructed him to place his feet together with his arms at his 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 his 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 Fox to start the task as explained. I observed Fox swayed more than (+2") from from front to back, used arms for balancing.

BREATH TEST RESULTS: 1) .091 | 2) .092 | 3) | 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

Corporal R Soriano
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 23rd day of January 2019 by Corporal R Soriano

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

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

KERIANE MARIE MOYNIHAN
Notary Public - State of Florida
Commission # GG 036116
My Comm. Expires Oct 5, 2020
Bonded through National Notary Assn.

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 23RD DAY OF January 20 19, AT 23:17 AM ✓ PM

SUBJECT: FOX MICHAEL S CASE NUMBER: 19029229

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Corporal R Soriano

PERSONAL CONTACT

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

On Wednesday, January 24, 2019 at approximately 23:17 hours, I responded to to the 2500 block of S. Jog Road in the City of Greenacres in regards to a traffic stop involving a possible drunk driver. Upon my arrival, I observed a white Chevrolet Malibu 4 door sedan bearing Florida tag "646TTP" stopped in the far right (#3 lane). Parked directly behind the Malibu was Sergeant Fazzino's patrol car with its emergency lights activated. I exited my patrol car and made contact with Sergeant Fazzino who told me the following, "I observed a white Chevrolet Malibu traveling in the outside lane of S. Jog Road. The vehicle was approaching Purdy Lane within the City of Greenacres. I observed the vehicle traveling approximate 35 miles per hour (MPH) in a 45 mph speed zone. The vehicle drifted into the center southbound lane before correction back to the outside lane. The vehicle stopped for a red traffic signal at Purdy Lane and continued southbound in the outside lane when the signal changed to green. The vehicle wandered into the center lane again and corrected back to the outside lane and driving at approximately 35 mph. I performed a traffic stop in my marked patrol unit and it took approximately 1/4 mile to stop. I made contact with the white male driver and sole occupant, who was identified as Michael Scott Fox via his Florida drivers license. Upon speaking with Mr Fox, I detected an odor of an alcoholic beverage emanating from his breath and person. His speech was slow and slurred. He stated he had a few drinks this evening."

OBSERVATION OF DRIVER:

I walked over to the white Chevy Malibu and observed the driver who was the sole occupant and identified by his Florida driver's license as Michael S Fox by his valid Florida driver's license. I observed Fox was wearing black pants and a black shirt. While introducing myself to Fox, I asked him if he had been made aware why he was being stopped and he answered "yes" because I was weaving in an out of my lane. I then explained to Fox that I was summoned to the scene by Sergeant Fazzino who was stopped him and believed he may have consumed an unspecified amount of an unknown alcoholic beverage. I observed Fox's eyes appeared red and glossy. I observed that he was slurring his words. I asked Fox if he was willing to exit the vehicle to perform standardized field sobriety tasks which he agreed to. While exiting the vehicle, Fox appeared to be shaky on his feet. I observed Fox would walk a few steps and would stop. I had to tell him several times to walk to the front of my patrol vehicle.

DRIVER'S STATEMENTS:

I asked Fox if he had been drinking or used any drugs. Fox stated he drank approximately 4 Bud Light draft beers. I asked Fox if he had any medical problems and/or previous injuries and he answered "no". I asked Fox if he wore any glasses or contacts to correct his vision and he answered "yes" as I observed him wearing glasses. I asked Fox if he takes any medications and he answered "no".

ODORS:

Strong odor of an unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: **slurred, slow, unclear**

ATTITUDE: **calm, compliant,**

CLOTHING: **wearing black pants and black shirt**

MEDICAL/OTHER: **NONE**

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STATE OF FLORIDA
COUNTY OF PALM BEACH

Corporal R Soriano
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 23rd day of January 20 19 by Corporal R Soriano

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification [illegible] produced Known

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

KERIANE MARIE MOYNIHAN
Notary Public - State of Florida
Commission # GG 036116
My Comm. Expires Oct 5, 2020
Bonded through National Notary Ass

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	☐	539.001 FS	Other: All records relating to pawnbroker transactions.	
	☐	119.0712(2)	Other: Personal information contained within a motor vehicle record	

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REVIEW COMPLETED BY

Booking Number: 2019002728	**Date:** 1/24/2019
	Specialist Name/ID: Howardt/7185