



# D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 25 DAY OF February 2018, AT \_\_\_\_\_ AM PM  
SUBJECT: Sysyn, Michael CASE NUMBER: 18-2974  
AGENCY: DELRAY BEACH ARRESTING OFFICER: Batista

## PERSONAL CONTACT

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

The following incident occurred in the city of Delray Beach, Palm Beach County, Florida. On 02/25/18, I was dispatched to the first block of NE 1st Ave. in reference to an accident. At 0711 hours, the complainant, Michael Olberholzer called DBPD and advised that a black Lincoln MKX ran into a guard rail. The vehicle had significant damage and the guard rail had minimal damage. The driver of the black Lincoln, then made a U-turn and attempted to leave the area. Olberholzer who works at the parking garage east of the guard rail got the driver later identified as the defendant, Michael Sysyn, to stop his vehicle in order for DBPD to respond. Ofc Barnes and I responded to the scene and met with Michael Sysyn who was sitting in the passenger seat of his vehicle.

Olberholzer advised that Sysyn got out of the driver's seat turned the ignition off and went over to the passenger seat.

## OBSERVATION OF DRIVER:

Sysyn appeared impaired. His speech was slurred and he was stumbling throughout our conversation and roadside tasks.

## DRIVER'S STATEMENTS:

Sysyn stated that he had a few drinks throughout the night and that he should not have driven his vehicle.

## ODORS:

Sysyn had an odor of an unknown alcoholic beverage about his breath.

## GENERAL OBSERVATIONS

SPEECH: SLOW, SLURRED, MUMBLED

ATTITUDE: POLITE, TALKATIVE

CLOTHING: NORMAL ATTIRE

MEDICAL PROBLEMS:

NONE

MEDICATIONS: NONE

OTHER:

BREATH TESTING REQUEST IS VIDEO RECORDED.

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**ROADSIDE TASKS**

**HORIZONTAL GAZE NYSTAGMUS:**

- LEFT EYE DOES NOT FOLLOW SMOOTHLY
- LEFT EYE JERKS AT 45 DEGREE ANGLE OR LESS
- DISTINCT JERKING LEFT EYE MAXIMUM DEVIATION
- RIGHT EYE DOES NOT FOLLOW SMOOTHLY
- RIGHT EYE JERKS AT 45 DEGREE ANGLE OR LESS
- DISTINCT JERKING RIGHT EYE MAXIMUM DEVIATION

CAN NOT DO, WHY? \_\_\_\_\_

**WALK AND TURN:**

**SYSYN FAILED TO MAINTAIN BALANCE WHILE THE INSTRUCTIONS WERE GIVEN. HE STOPPED WALKING TO STEADY HIMSELF, DID NOT TOUCH HEEL TO TOE ON SOME STEPS. HE LOST HIS BALANCE AND STEPPED OFF LINE, USES ARMS FOR BALANCE. HE DID NOT COMPLETE THE TASK. STOPPED ON THE FOURTH STEP.**

CAN NOT DO, WHY? \_\_\_\_\_

**ONE LEG STAND:**

**SYSYN SWAYED WHILE BALANCING, USED HIS ARMS FOR BALANCE, PUT FOOT DOWN 4 TIMES. HE COULD NOT COMPLETE THIS TASK.**

CAN NOT DO, WHY? \_\_\_\_\_

**FINGER TO NOSE:**

**THE DEFENDANT FAILED TO CLOSE EYES, SWAYS, FAILED TO RETURN ARM TO THEIR SIDE, FAILED TO TOUCH THE TIP OF NOSE WITH INDEX FINGER, USED WRONG HAND, AND UNABLE TO PERFORM THIS TASK.**

CAN NOT DO, WHY? \_\_\_\_\_

**ROMBERG/ALPHABET:**

**SYSYN WAS ABLE TO TOUCH HIS NOSE WITH THE CORRECT HAND, BUT DID NOT THE DEFENDANT FAILED TO CLOSE EYES, SWAYS, USED ARMS FOR BALANCE, AND FAILED TO CORRECTLY RECITE THE ALPHABET.**

CAN NOT DO, WHY? \_\_\_\_\_

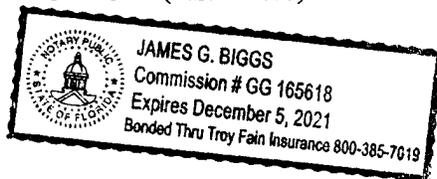
**BREATH TEST RESULTS:** .105 AND .87

STATE OF FLORIDA  
COUNTY OF PALM BEACH  
THE FOLLOWING INSTRUMENT WAS NOTARIZED OR SWORN BEFORE ME THIS 2/25/18 (DATE)

BY: [Signature]

[Signature] 932  
SIGNATURE OF ARRESTING OFFICER

NOTARY CLERK OF COURT OFFICER (F.S. 117.10)



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2018

# WITNESS LIST

CASE NUMBER: 18-2974

ARRESTING OFFICER: Batista

ADDRESS: 300 WEST ATLANTIC AVE DELRAY BEACH, FL. 33444

PHONE NUMBERS (HOME): 561-243-7832 (WORK) 561-243-7832

CAN TESTIFY TO: DUI

NAME: BARNES

ADDRESS: 300 WEST ATLANTIC AVE DELRAY BEACH, FL. 33444

PHONE NUMBERS (HOME) 5612437800 (WORK) \_\_\_\_\_

CAN TESTIFY TO: DUI

NAME: MICHAEL oBERHOLZER

ADDRESS 19343 DELEWARE CT BOCA RATON FL 33434

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: THE ACCIDENT

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

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CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

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# TESTING FACILITY TASK REPORT

AGENCY: DBPD-BATISTA

SUBJECT: SYSYN, MICHAEL

CASE NUMBER: 18-043066

DATE: Feb 25, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0821

ENDING TIME: 0831

BREATH TESTS RESULTS: 1) .105 TIME 0825 A.M.  P.M.  2) .087 TIME 0828 A.M.  P.M.   
3) XX TIME XX A.M.  P.M.  4) XX TIME XX A.M.  P.M.

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICIAN: D/S J Karklecke #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED, SLOW, DELIBERATE

ATTITUDE: COOPERATIVE, LETHARGIC

CLOTHING: GRAY SHIRT, BLACK PANTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

## OTHER:

EYES GLASSY, HALF OPEN  
ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

## COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0800  
SUBJECT ADVISED HE WOULD SUBMIT TO THE BREATH TEST  
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST  
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY  
MIRANDA WAS READ  
SUBJECT WAS GIVEN THE RESULTS  
SUBJECT ANSWERED A COUPLE QUESTIONS THEN ASKED OR ATTN

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SUBJECT: Supra. M. Inc? CASE NUMBER: 15-0971

### 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? no

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? 1st St / 1st Ave

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: \_\_\_\_\_

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SUBJECT: S. J. Smith, Michigan CASE NUMBER: 15-2974

**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.

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SUSPECT'S SIGNATURE: (X) Rec' on center