

0246222

18CT11733
ARREST / NOTICE TO APPEAR

323

AD M I N I S T R A T I O N	OBTS Number		Agency ORI Number 0500200		Agency Name Boca Raton Police Department		Agency Report Number (N.T.A.'s only) 3 2 2018-009050		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Copies		1		JUVENILE																	
D E F E N D A N T	Charge Type: Check as many as apply		1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 6. Other		If Weapon Seized Enter Type None/not Applicable		Multiple Clearance Indicator																					
	Location of Arrest (Including Name of Business) 6900 N FEDERAL HWY							Location of Offense (Business Name, Address) 6900 N FEDERAL HWY, BOCA RATON, FL 33487																								
Date of Arrest 07/05/2018		Time of Arrest 22:29		Booking Date 07/05/2018		Booking Time 22:39		Jail Date 07/05/2018		Jail Time 00:00		Location of Vehicle EMERALD TOWING																				
Name (Last, First, Middle) RUBNER, MICHAL													Alias		Alias (Name, DOB, Soc. Sec. #, Sex)																	
Race W - White B - Black		1 - American Indian O - Oriental/Asian		Sex W M		Date of Birth 12/13/1968		Height 6'02		Weight 220		Eye Color BLUE		Hair Color BLACK		Complexion MEDIUM		Build Medium														
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)							Marital Status D		Religion ATHEIST		Indication of: Alcohol Intoxication Drug Influence		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk. <input type="checkbox"/>																			
Local Address (Street, Apt. Number) 600 EGRET CIR 7503, DELRAY BEACH, FL 33444							(City)		(State)		(Zip)		Phone (561) 419-1032		Residence Type: 1. City 2. County 3. Florida 4. Out of State		Address Source															
Permanent Address (Street, Apt. Number) 600 EGRET CIR 7503, DELRAY BEACH, FL 33444							(City)		(State)		(Zip)		Phone (561) 419-1032		FL DL																	
Business Address (Name, Street) UNEMPLOYED,							(City)		(State)		(Zip)		Phone		Occupation Tennis Pro																	
DL Number, State R156540684530 / FL			Sec. Sec. Number			INS Number			Place of Birth (City, State) PRAGUE,			Citizenship US																				
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																	
Parent <input type="checkbox"/> Other <input type="checkbox"/> Name (Last, First, Middle)													Residence Phone																			
Legal Custodian <input type="checkbox"/> Name (Last, First, Middle)													Business Phone																			
Address (Street, Apt. Number)							(City)		(State)		(Zip)																					
Notified by: (Name)							Date		Time		JUVENILE DISPOSITION 1. Handled/Processed within Department and Released		2. TOT JAC		3. Incarcerated																	
Released To: (Name)							Relationship		Date		Time																					
The above address was provided by <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.													School Attended		Grade																	
Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							Description of Property		Value of Property																							
Drug Activity N. N/A P. Possess													S. Sell B. Buy T. Traffic		R. Snaggle 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. Opiam/Deriv.		P. Paraphernalia/ Equipment S. Synthetic		U. Unknown Z. Other	
Charge Description DUI													Statute Violation Number		Violation of ORD # 316.193(1)																	
Drug Activity		Drug Type N		Amount / Unit		Offense #		Counts 1		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Warrant / Copies Number		Bond OR																		
Charge Description													Statute Violation Number		Violation of ORD #																	
Drug Activity		Drug Type		Amount / Unit		Offense #		Counts		Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N		Warrant / Copies Number		Bond																		
Charge Description													Statute Violation Number		Violation of ORD #																	
Drug Activity		Drug Type		Amount / Unit		Offense #		Counts		Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N		Warrant / Copies Number		Bond																		
Health / Apparent Physical Condition of Defendant GOOD													Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries																			
Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Posted Bond													<input type="checkbox"/> Released to Parent/Guardian		<input checked="" type="checkbox"/> T.O.T. County Jail		PROPERTY - Received By PAYNE, J		Released By PAYNE, J		Released To											
Transported By PAYNE, J							Date Transported 07/05/2018		Time Transported 22:35		Other																					
INSTRUCTION NO. 1 - Mandatory appearance in court							INSTRUCTION NO. 2 - You need not appear in Court		but must comply with instructions on Page 2.		Location (Court, Room) South County 200 W Atlantic Ave Delray Beach, FL 33444		Court Date and Time 08/06/2018 08:30:00		No Photo Available																	
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.													Date Signed 07/05/2018																			
Signature of Defendant (or Juvenile and Parent/Custodian)													Name Verification (Printed by Arrestee) JUL 6 AM 12:46																			
HOLD for Other Agency					Signature of Arresting Officer J.P.					Name of Arresting Officer (Print) PAYNE, J. S.		ID.# 815																				
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other		Name of Arresting Officer (Print) PAYNE, J. S.		ID.# 815		Agency BRPD		Witness here if subject signed with an "X".		PAGE 1 OF 1																				
Inmate Deputy DS Thompson		Pouch #		Transporting Officer PAYNE, J Deen 768		ID.#		Agency BRPD																								

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JUL 07 2018

PROBABLE CAUSE AFFIDAVIT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Copies

1 JUVENILE

Agency ORI Number: FL 0500200 Agency Name: BOCA RATON POLICE DEPARTMENT Agency Report Number: 3 | 2 | 2018-009050

Charge Type: 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other

Name (Last, First, Middle): RUBNER, MICHAL Race: W Sex: M Date of Birth: 12/13/1968

Charge Description: 316.193(1) DUI

Local Address: 100 NW 2ND AVE, BOCA RATON, FL 33432 Phone: (561) - Business Address: (56) -

The undersigned certifies and 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... committed the below acts in my presence.

On 7-5-2018 at 1950 hours, I responded to the parking lot of Renzo's Italian restaurant located at 6900 N Federal Hwy in reference to a two vehicle traffic crash investigation. On arrival, I made contact with the driver who backed into a parked vehicle, Michal Rubner. Rubner stated that while backing out of his parking space, he accidentally collided with the passenger side rear quarter panel area of a parked Toyota Camry.

SWORN AND SUBSCRIBED BEFORE ME GRAHAM, KEITH T NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 07/05/2018 DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER PAYNE, JONATHAN SIMON (815) NAME OF OFFICER (PLEASE PRINT) 07/05/2018 DATE

JUL 07 2018

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

1

JUVENILE

OSTS Number	Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2018-009050
Charge Type: Check as many as apply.	<input type="checkbox"/> 1. Felony	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor	<input checked="" type="checkbox"/> 4. Traffic Misdemeanor
	<input type="checkbox"/> 5. Ordinance	<input type="checkbox"/> 6. Other	Special Notes:	
Name (Last, First, Middle) RUBNER, MICHAL	Place W	Sex M	Date of Birth 12/13/1968	

I requested that Rubner perform the standard field sobriety tasks to dispel my alarm that he was driving impaired, he provided consent.

The first task was the Horizontal Gaze Nystagmus. Officer Van Camp administered the HGN to Rubner. While observing the HGN, a lack of smooth pursuit was present in both eyes. Each eye had a constant jerking while at maximum deviation. Onset prior to 45 degrees was present in both eyes. While in close proximity of Rubner, the odor of alcohol became stronger. Rubner was also observed swaying heavily as the HGN was administered, struggling to maintain his balance.

The second task was the Walk and Turn and was administered by Officer Payne. Rubner did not maintain the starting position and kept losing his balance. I had to repeatedly tell him to refrain from beginning until the entire demonstration was completed and explained in full. Rubner assured me on several accounts that he had it and was good to go. Rubner stepped off line multiple times on his first 9 steps and required his arms to be raised up to maintain his balance. He also did not go heel to toe the entire time as instructed. On the returning 9 steps, Rubner only reached 7 steps and then quit the task completely as he stepped completely off line, refusing to finish it.

Rubner refused to continue with the Standardized Field Sobriety Tasks. I explained to him that a refusal to finish the tasks would force me to make a decision based solely on my interaction up to that point. Rubner acknowledged. He again refused to complete the remainder of exercises.

Based on my investigation, I placed Rubner under arrest for DUI per F.S.S. 316.193(1) and transported him to Boca Raton for processing. Officer Van Camp operated the Intoxilyzer 8000. While in the DUI room, I requested Rubner to provide a legal sample of his breath, which he refused. I then read him Implied Consent to which he once again refused. Rubner stated that he was told by a lawyer to refuse all requests when in this situation.

Rubner was taken to the Boca Raton Regional Hospital for medical clearance and taken to the Palm Beach County jail without incident.

Rubner's vehicle was towed to Emerald Towing.

SWORN AND SUBSCRIBED BEFORE ME

GRAHAM, KEITH T

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

07/05/2018

DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

PAYNE, JONATHAN SIMON (815)

NAME OF OFFICER (PLEASE PRINT)

07/05/2018

DATE

PAGE
2 of 2

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P.I.O.

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DUI INFLUENCE REPORT



BOCA RATON POLICE SERVICES DEPARTMENT
100 NW 2nd Avenue
Boca Raton, FL 33432

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JUL 07 2018

ARRESTING OFFICER: Payne

Name: Van Camp Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: Calhoun Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

JUL 07 2018



BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT - PART II

To be filled out at testing facility

Agency Case # 2018 9050

I. INTRODUCTION (Instrument Operator faces video camera)

A. The day is Thursday, July, 5, 2018.
(day) (month) (date) (year)

B. The time is now approximately 9:17 AM/PM.

C. The following is in reference to case number 2018 9050

D. Present at this time is Payne, VanCamp of the Boca Raton Police Department.
(Officer's Name)

E. Officer Payne, have you arrested Michael Rubner in violation of
Florida State Statute 316.193? (Defendant's name)

F. Did this violation occur within the City of Boca Raton, Palm Beach County, Florida? Yes

G. Mr./Mrs./Ms. Rubner, I am required to inform you these
proceedings are being video recorded.

Operator Note: Video record breath request, breath sample, and interview.

NOT A CERTIFIED COPY

A refusal form will be completed by the arresting officer.

NOT A CERTIFIED COPY



BOCA RATON POLICE SERVICES DEPARTMENT

TESTING FACILITY TASK REPORT

SUBJECT: Michal Rubner

CASE #: 2018-9050 DATE: 7-5-18

BREATH TEST RESULTS

1) TIME Refusal AM/PM 2) TIME: _____ AM/PM

3) TIME _____ AM/PM 4) TIME _____ AM/PM

BREATH OPERATOR: Vancamp

MAINTENANCE TECHNICIAN: Pare

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Cooperative

CLOTHING: Normal

MEDICAL CONDITION: None

OTHER: _____

COMMENTS: _____

II. AT THIS TIME THE ARRESTING OFFICER WILL REQUEST A BREATH SAMPLE.

Note: Read only the paragraph applicable to the type of test you are requesting.

- A. I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content.
- B. I am now requesting that you submit to a lawful test of your **URINE** for the purpose of determining its alcohol content.
- C. I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

IMPLIED CONSENT WARNINGS

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 Signature: _____

Note: Also read for CDL holders:

IN ADDITION, your refusal to submit will result in the loss of your commercial privileges for one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from operating a commercial motor vehicle.

Note: After reading the implied consent warning, the arresting officer must request a breath sample again.

(IF REFUSAL THEN)

At this time Mr./Mrs./Ms. _____ has refused to submit to a breath test.

The date is _____, _____, _____, and the time is _____ AM/PM.
(month) (day) (year)

Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional rights:

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have a right to the presence and representation 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 and representation of a court appointed lawyer before you make any statement 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 be and will be used against you in a court of law.
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: _____ Date: _____ Time: _____

QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? _____

Where were you going? _____

What street or highway were you on? _____

Direction of travel? _____

Where did you start driving from? _____

What city (county) were you stopped in? _____

What time did you start? _____ AM/PM What time is it now? _____

What is today's date? _____ What day of the week is it? _____

When did you last eat? _____ What did you eat? _____

What have you been doing the past three hours prior to this stop/accident? _____

How much do you weigh? _____ Have you been drinking? _____ What were you drinking? _____

How much? _____ Where? _____ With whom were you drinking? _____

When did you have your first drink? _____ AM/PM When did you stop drinking? _____ AM/PM

How did you consume your last two drinks? _____

Are you under the influence of alcohol now? Yes No

Can you feel the effects of alcohol? Yes No

Have you consumed alcohol since the accident? Yes No

Can you feel the effects of alcohol? Yes No

Have you consumed alcohol since the accident? Yes No How much? _____

What? _____ Where? _____

What line of work are you in? _____

When did you last work? _____

Do you have any physical defects or injuries? Yes No If yes, explain: _____

Are you sick or injured? Yes No If yes, explain: _____

Do you limp? Yes No Did you get a bump on the head? Yes No

Were you in an accident today? _____

Have you taken any drugs or smoked marijuana today? _____

What? _____ When? _____

Have you seen a doctor or dentist today? Yes No Who? _____

Are you taking any prescription medications? Yes No What? _____ When? _____

Do you have: Epilepsy? Yes No Inner ear trouble? Yes No

Glass eye? Yes No Ear infection? Yes No

False teeth? Yes No Diabetes? Yes No

Any problems not correctable by glasses or contact lenses? _____

Do you take insulin? Yes No If yes, when was your last injection? _____

Have you ever had a driver's license in any other state? _____

I am now ending this video recording. The time is now approximately 9:24 AM(PM.)

The date is July (month), 5th (day), 2018 (year)

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JUL 07 2018



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"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2018022357	Date: 07/06/2018
	Specialist Name/ID: howardt/7185

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JUL 07 2018