ARREST / NOTICE TO APPEAR

18CT19125

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

ADMINISTRATION

OBTS Number

Agency ORI Number: 0501700 | Agency Name: Jupiter Police Department | Agency Report Number (N.T.A.'s only): 5 4 18-005170

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 | Multiple Clearance Indicator

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
1949 W FREDERICK SMALL RD/ASHLEY CT JUP	1949 W FREDERICK SMALL RD/ASHLEY CT, JUPITER, FL

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/21/2018	21:45					

DEFENDANT

Name (Last, First, Middle): AUKER, NATHAN RANDALL | Alias (Name, DOB, Soc. Sec. #, Etc.): Alias:

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	07/05/1977	5'11	190	BROWN	BROWN	FAIR	Medium

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) | Marital Status: S | Religion: OTHER | Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. ☐ Drug Influence

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
1931 W FREDERICK SMALL RD, JUPITER, FL 33458	(815) 721-5537	1

Permanent Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
1931 W FREDERICK SMALL RD, JUPITER, FL 33458	(815) 721-5537	VER

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

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
A260636772450 / FL	[redacted]		ROCKFORD, IL, United	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 ☐ Other: ☐ Legal Custodian | 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 Department and Released 2. TOT JAC 3. Incarcerated
Released To: (Name) Relationship	Date	Time	

The above address was provided by ☐ defendant and/or ☐ 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.
☐ Yes, by: ☐ No:

School Attended	Grade

Property Crime?	Description of Property	Value of Property
☐ Yes ☒ No		

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. Synthetic, U. Unknown, Z. Other

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #
DUI - REFUSAL TO SUBMIT TO DUI BREATH TEST WITH A PREVIOUS R	316.1939 (1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	☐ Y ☒ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant | Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries | Explain:

Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

PROPERTY - Received By	Released By	Released To

Transported By	Date Transported	Time Transported	Other

NOTICE TO APPEAR

☒ 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): North County PALM BEACH GARD
Court Date and Time: 11/21/2018 08:30:00

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 [signature] X 10/21/18
Signature of Defendant (or Juvenile and Parent/Custodian) Date Signed

No Photo Available

ADMIN

HOLD for Other Agency | Signature of Arresting Officer | Name Verification (Printed by Arrestee) (PRINT): Nathan Auker

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Name of Arresting Officer (Print)	I.D. #
FANDREY, CHRISTOPHER	1182

Intake Deputy	I.D. #	Pouch #	Transporting Officer	I.D. #	Agency
Shaw	8101		Fandrey	342	JPD

Witness here if subject signed with an "X".

PAGE 1 OF 1

SCANNED
OCT 24 2018

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 21 DAY OF October 20 18, AT 2110 AM ✓PM

SUBJECT: Auker Nathan R CASE NUMBER: 18-005170

AGENCY: JUPITER POLICE DEPARTMENT ARRESTING OFFICER: C Fandrey #340

PERSONAL CONTACT

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

At approximately 2110hrs I was dispatched to the are of W Frederick Small Rd and Heights Blvd in reference to a Be On the Look Out (BOLO) in reference to careless driver who was swerving and hit a curb in the Heights neighborhood. The vehicle was described as a white Lexus bearing FL Tag JUDD50 last seen heading east on W. Frederick Small Rd. The vehicle was registered to 1931 W. Frederick Small Rd. Located near the registered address I located the vehicle running in the parallel parking. Based on the BOLO and the vehicle running I approached the vehicle to conduct a consensual encounter. As I approached the vehicle I noticed the driver and sole occupant of the vehicle, who was later positively identified as W/M Nathan R. Auker (7/5/77) by FL DL, passed out with his hand on the gear shifter.

OBSERVATION OF DRIVER:

Based on Auker being passed out Palm Beach County Fire Rescue was initially requested to respond to the scene. I made attempts to knock on the window to get Aukers attention which yielded negative results. Based on concerns for Aukers medical state I tried to open the driver door, and upon opening the door Auker immediately woke up. I noticed the strong odor of an unknown alcoholic beverage coming from the vehicle. Auker had slurred speech and red bloodshot glassy eyes. Auker was asked if he needed Fire Rescue and he stated no.

DRIVER'S STATEMENTS:

Auker stated that he was coming from a bar in Palm Beach Gardens Florida. Auker was initially avoiding questions in reference to how much he had to drink. Auker continually stated "not much" and eventually stated he had 4-5 Watermelon Beers at the bar he had been at all day. On a scale of 1-10 with 1 being completely sober and 10 being the most drunk he has ever been, Auker stated he was at about a 3. Auker stated he probably had too much to drink and probably shouldn't be driving.

ODORS:

Odor of an unknown alcoholic beverage coming from his person.

GENERAL OBSERVATIONS

SPEECH: slurred

ATTITUDE: Cooperative and calm

CLOTHING: Gray shirt, white shorts, white shoes

MEDICAL/OTHER: NONE

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OCT 24 2018

STATE OF FLORIDA
COUNTY OF PALM BEACH

C Fandrey #340
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 21 day of October 20 18 by C Fandrey #340

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

K Moynihan #22079 Keriane M Moynihan
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.

SUBJECT: Auker Nathan CASE NUMBER 18-005170

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:

Auker was swaying while standing still.

WALK & TURN:

Auker failed to maintain the starting position and tried to start early. Auker stated he understood the instructions and did not have any questions. Auker took approximately 19 steps. Auker missed heel to toe several times. Auker never turned around. Auker stepped off line.

ONE LEG STAND:

Auker stated he understood the instructions and did not have any questions. Auker initally raised his right foot and then asked if he needed to raise his foot. Auker then lifted his right foot partially off the ground and kept placing his heel on the ground throughout the task. Auker was swaying while trying to balance. Auker stopped before 30 seconds.

FINGER TO NOSE:

Auker stated he understood the instructions. 1L raised hand straight up and was asked if he remembered the instructions and said yes and asked if he needed to touch himself. I reexplained the instructions . On 1L Auker touched with pad and did not bring his hand back down. 1R used pad and nearly touched his right eye and did not bring his hand back down. 2L Auker touched below and to the left with his pad and left hand up. 2R touched tip of nose with pad and left hand up and was swaying. 3R touched tip of nose with pad and left hand up and swayed. 3L touched tip and left hand up and swayed.

ROMBERG ALPHABET:

Auker stated his highest level of education was high school. Auker stated he was comfortable with the alphabet. Auker stated A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and stated A-P again and then stated he never learned the alphabet.

BREATH TEST RESULTS: | 1) Refused | 2) Refused | 3) | 4) |

STATE OF FLORIDA
COUNTY OF PALM BEACH

C Fandrey #340
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 21 day of October 2018 by C Fandrey #340

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

K Moynihan #22079
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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OCT 24 2018

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WITNESS LIST

CASE NUMBER: 18-005170

ARRESTING OFFICER: C Fandrey #340

ADDRESS: 210 MILITARY TRAIL JUPITER FL 33458

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

CAN TESTIFY TO: SEE PC

NAME: Ofc. Quiros #305

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: _____

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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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OCT 24 2018

SUBJECT: Auker, Nelvin R CASE NUMBER: 18-005170

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: _____

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OCT 24 2018

SUBJECT: Auker, Nathan R CASE NUMBER: 15-005170

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.

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OCT 24 20[illegible]

SUSPECT'S SIGNATURE: (X) Read on Camera

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

PBSO 80129B REV. 06/11

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TESTING FACILITY TASK REPORT

AGENCY: JPD

SUBJECT: Auker, Nathan R CASE NUMBER: 18-135305

DATE: 10/31/18 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 22:31 ENDING TIME: 22:11

BREATH TESTS RESULTS: 1) R TIME 22:11 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: K. Moynihan # 33079

MAINTENANCE TECHNICIAN: J. Konecne # 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Calm, Quiet, Cooperative

CLOTHING: White shirt, long sleeve t-shirt, White shoes

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER: Eyes glassy and bloodshot. Odor of unknown Alcoholic Beverage on breath

COMMENTS: Arrived at Testing Center. Also began 20 minute Observation Period at 22:15 hrs.

REFUSED

D refused to take Test.

No read I/c

D stated he understood I/c and again Refused to take test.

No read Rights

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D stated he understood his Rights

NO Q+A, Advised Rights.

REFUSED

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WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

DR80 404284 REV 11/02

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: 2018035239	**Date:** 10/22/2018
	Specialist Name/ID: AM/31562

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