



Arrest Report

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

J# 0511363

P# 978

Report Date / Time 9/29/2019 02:53 AM	Report Number FHP99ARR762622	Case Number/Cad Number FHPL19OFF084316 / LWRC19CAD177434	Reporting Officer Name MITCHELL, COLE E
Originating Agency ORI	Occur Date Time Range 09/29/2019 02:28:08 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH COUNTY	Location Type PUBLIC PLACE	Location Description NB INTERSTATE 95 EXIT RAMP TO BOYNTON BEACH BLVD			
Street Number	Street NB I95 EXIT RAMP TO BOYNTON BE	Apt/Lot/Bldg	City BOYNTON BEACH	State FL	Zip Code 33426

Defendant

First Name REMY	Middle Name EDWARD	Last Name KATZ	Suffix	Race WHITE	Sex MALE	Height 600	Weight 235	Hair BLOND	Eyes BLU
MNI #	SSN	Date of Birth 06/22/1997	Age 22	Place of Birth BATON ROUGE LA UNITED STATES	Drivers License or other ID K320725972220	State FL	ID Type E		
Address * RESIDENCE / 3111 RENAISSANCE WAY , , FL 33426 /									

Arrest

Arrest Date/Time 9/29/2019 2:46:08 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description NB I95 EXIT RAMP TO BOYNTON BEACH BLVD				
Street Number	Street NB I95 Exit Ramp	Apt/Lot/Bldg	County PALM BEACH	City BOYNTON BEACH	State FL	Zip Code 33426

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	☐ No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			

Bond Set by Court

Bond Amount	☐ No Bond
Bond Type(s)	

Probable Cause

On Sunday, September 29, 2019 at approximately 2:24 A.M. while on routine patrol in my marked patrol vehicle, I observed there to be a dark colored sedan to be traveling at a high rate of speed north bound on Interstate 95 south of woolbright Rd in the center lane. I initially observed the vehicle to be

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approaching my patrol vehicle in my rear view mirror. The vehicle then passed me on the right side of my patrol vehicle and continued at a high rate of speed northbound. I then over took the vehicle in order to pace the vehicle using my calibrated speedometer in my marked patrol vehicle (FHP0185). I paced the vehicle to be traveling 110 mph in a 65 mph zone. I then activated my emergency lights and sirens in order to conduct a traffic stop on the suspect vehicle(Tag # LWNG84). Once the vehicle stopped on the right paved shoulder I approached the driver side of the vehicle in order to ID the driver. I introduced myself to the driver, asked for licence, registration and insurance and advised the driver the reason for the traffic stop (Speeding). I immediately observed there to be an odor of an unknown alcoholic beverage coming from the inside of the suspect vehicle. I asked the driver where he was coming from. He advised work and that he was on his way home in Boynton Beach, Florida. I asked the driver if he had anything to drink which he stated no he smoked weed. I advised the driver that I could smell an odor of an unknown alcoholic beverage coming from inside the vehicle. I then asked the driver again if he had anything to drink. The driver advised he had two beers two hours prior to being stopped. During this time I observed the driver to have slurred speech and to be tripping over his words. The driver then provided me with the documents I asked for. During this time I observed the driver to have very slow movements. I advised the driver to stay put while I go to my patrol car. I then ran the driver through FCIC/NCIC. I identified the driver to be Remy Katz by his Florida drivers license. I then moved my patrol vehicle in order to have room to conduct Standard Field Sobriety Exercises. I then approached the driver on the driver side of the vehicle in order to further observe the Remy's speech and eyes. Upon making contact with Remy, a second time, I again observed there to be an odor of an unknown alcoholic beverage coming from the inside of the vehicle. I also observed Remy to have red glossy eyes. I then advised Remy that because of the events I have observed up to this point that I was going to ask him to step out of the vehicle in order to conduct Standard Field Sobriety Exercises. Remy complied and exited the vehicle. I then moved Remy to the rear of his vehicle in order to further observe the him. I then asked Remy if he would be willing to conduct Standard Field Sobriety Exercises in order to determine his level of impairment and to see if he was ok to drive. Remy complied. I then asked Remy if he only had two alcoholic beverages today. He advised yes. I asked how much marijuana he had smoked. Remy advised a blunt and a half about 30 minutes before the traffic stop. during this time I observed there to be an odor of an unknown alcoholic beverage coming from Remy's breath and mouth area. I then moved Remy to the front of my patrol vehicle in order to conduct the roadsides.

The area for the roadside exercises was on a slight decline to the right and clear of any debris. I asked Remy if he would be able to conduct the roadsides on the surface provided to which he agreed and that he would be able to conduct the roadsides. Remy was asked if he had any problems with his eyes, suffered any head injuries or was currently taking any medication. Remy advised he used glasses to read and that he does not take any medication. I then asked Remy if he had any injuries that would prevent him from being able to perform any of the exercises. Remy stated he suffered a knee injury in the past but would be able to perform the exercises. I observed during this questioning, that Remy still was giving off an odor of an unknown alcoholic beverage coming from his breath and mouth area.

Horizontal Gaze Nystagmus:

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Remy had equal pupil size and equal tracking. Remy had smooth pursuit in both eyes. Remy showed distinct nystagmus at maximum deviation. Remy also showed onset of nystagmus prior to 45 degrees.

Walk and Turn Exercise:

Interaction phase:

- Remy swayed in starting position.
- Remy started before telling to do so.
- The exercise was then explained and demonstrated.
- Remy advised he understood the directions and didn't have any questions.
- Remy was not taking heel to toe steps as directed on steps one through nine and one through nine on his second set of steps.
- Remy stepped off the line.
- Remy failed to turn around as directed.
- Remy took more than the nine steps he was directed on his first nine steps.
- Remy used his arms for balance.
- During the exercise, Remy stopped and advised he was "too high" to do the exercise and stopped the exercise as directed not to do.

One Leg Stand Exercise:

Interaction phase:

- Remy swayed in the starting position.
- The exercise was explained and demonstrated.
- Remy advised he understood the instructions and did not have any questions.
- Remy did not raise his foot six inches off the ground as instructed.
- Remy put his foot down during the exercise.
- Remy exhibited leg and body tremors.
- Remy used his arms for balance.
- Remy did not look at his foot as directed.

Finger to Nose Exercise:

Interaction phase:

- Remy swayed in the starting position.
- The exercise was explained and demonstrated.
- Remy advised he understood the instructions and had no questions.
- On Remy's first attempt he touched the tip of his nose with the pad of his right finger.
- On Remy's second attempt he missed the tip of his nose with the tip of his left finger.
- On Remy's third attempt he touched the tip of his nose with the pad of his right finger.
- On Remy's fourth attempt he touched the tip of his nose with the pad of his left finger.

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- On Remy's fifth attempt he touched the tip of his nose with the pad of his left finger.
- On Remy's sixth attempt he touched the tip of his nose with the pad of his right finger.

Rhomberg balance exercise:

Interaction phase:

- Remy swayed in the start position.
- The exercise was explained and demonstrated.
- Remy advised he understood the instructions and had no questions.
- Remy had orbital sway and eye tremors.
- Remy estimated 56 seconds.

Due to the totality of the circumstances Remy was placed under arrest for DUI to Florida Statute 316.193 at 2:46 a.m. A search of Remy was conducted prior to placing him in my marked patrol vehicle where he was then transported to Palm Beach County Jail in which he arrived at approximately 3:10 a.m. Remy was advised that he was under audio and video recording. I observed there to be and odor of an unknown alcoholic beverage coming from Remy while he was in my patrol car. Remy was advised of his Miranda Warnings and agreed to talk at this time. Remy advised he had two beers and a shot of Jameson after being asked a third time what he had to drink tonight. Remy also advised he smoked approximately one gram of marijuana. Inside the Palm Beach County Jail's breath and alcohol facility (BAT) Remy began his 20 min observation period prior to being provided the opportunity to provide a breath sample. After the 20 min observation period Remy was provided the opportunity to provide a breath sample to which he refused at 3:33 a.m. Remy was then read implied consent to which Remy stated he understood but still refused to give a breath sample. Remy was then read his constitutional warnings where he advised he understood and advised he would not like to answer any questions at this time at 3:33 a.m.

Video of the roadside exercises and transport to the Palm Beach County jail can be obtained through the FHP custodian.

Video of the Palm Beach County BAT facility can be obtained through the Palm Beach County Sheriffs Office records department.

Jail Bookin Facility			
Booking Date/Time 0.0000	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400

Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Comments

Court

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Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appereance Date / Time 10/28/2019 10:00AM	Court Fine
Comments			

Officer Name Rank / ID # MITCHELL, COLE E TROOPER 4121	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPL\LWRCC\PALM BEACH\BROW LN TO SR804
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The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name MITCHELL, COLE E	Office Rank TROOPER	Officer ID No 4121	Sworn and subscribed before me, the undersigned authority This the _____ day of _____, _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature 			

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, Cole Mitchell, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FHP, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 29 day of September, 20 19, at 3:33 ☐ P.M. ☒ A.M.

DRIVER Remy Katz
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# K320725972220, state of Florida, was placed under lawful arrest for

the offense of DUI by Cole Mitchell and
(Name of Arresting Officer)

issued Citation # A75ZQCE

That on or about the 29 day of September, 20 19, at 333 ☐ 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.

Cole Mitchell 4/21
Signature of Law Enforcement Officer or
Correctional Officer

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



(APEN SEAL)
The foregoing instrument was sworn and subscribed before

me this 29 day of Sept, 20 19,

by Trooper Mitchell,

who is personally known to me or who has produced
Sally as identification

Notary Public Sally

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

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.