J#0480797 16CT16943 P#3533

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATIVE

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
	FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 16122792

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 (1. Yes 2. No) | Multiple Clearance Indicator: 1

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
6200 Atlantic Ave, Delray Beach, FL 33484	6200 Atlantic Ave, Delray Beach, FL 33484

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
09/04/2016	02:31					6200 Atlantic Ave, Delray Beach, FL 33484

DEFENDANT

Name (Last, First, Middle): **Hornsby, Robert, Virgel** | 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	09/01/1967	6'01	210	brown	brown	light	medium

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): None | Marital Status: Single | Religion: PROTESTANT | 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)
8244 WHISPERING PALM DR, Boca Raton, Fl 33496	(914) 441-2622	2

Permanent Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
8244 WHISPERING PALM DR, Boca Raton, Fl 33496	( )	Verbal

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

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
H652778673210, FL	[redacted]		Los Angeles, Ca	USA

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	(1. Arrested 2. At Large)	(3. Felony 4. Misdemeanor 5. Juvenile)
				☐ 1. Arrested ☐ 2. At Large	☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
				☐ 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 #
Driving Under the influence (DUI)	1	☐Y ☒N	316.193(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant I Capias Number	Bond
n	n	n/a	16122792		

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 I 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): South County Courthouse, 200 W. Atlantic Avenue, Courtroom #1, Delray Beach, FL 33444

Court Date and Time: Month Sep Day 26 Year 2016 Time 0830 AM X PM ☐

I AGREE TO APREAR 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 _____ 09/04/2016

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

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): D/S Jacob Frey | I.D. #: 9658

Transporting Officer: D/S Jacob Frey | ID #: 9658 | Agency: PBSO

Name Verification (Printed by Arrestee) (PRINT)

SCANNED

SEP 08 2016

Witness here if subject signed with an "X"

PAGE OF

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (N.T.A.'s ONLY)

PBSO #148 REV. 8/97

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2016 SEP 8 AM 7:45

6:10

OBTS Number	PROBABLE CAUSE AFFIDAVIT	1. Arrest 3. Request For Warrant 2. N.T.A. 4. Request For Capias	1	Juvenile	N

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	06

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

Special Notes

Defendant Name (Last, First, Middle)			Race	Sex	Date of Birth
HORNSBY	ROBERT	VIRGEL	W	M	9/1/67

Charge	Charge
DUI	
Charge	Charge

Victim Name (Last, First, Middle)	Race	Sex	Date of Birth
STATE OF FL			

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

Business Address (Street, Apt. Number)	City	State	Zip	Phone	Occupation

The undersign 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.

☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

☐ confessed to admitting to the below facts.

☐ was found to have committed the below acts, resulting from (described) investigation.

On the 4th day of SEPTEMBER 20 16 at 0139 ☒ AM ☐ PM

**********SUPPLEMENT PC**********

On 9/4/16 at approximately 0139 hours I observed a motorcycle bearing FL tag 83VZJ driving westbound on Atlantic Ave near El Clair Ranch Rd in Unincorporated Delray Beach within Palm Beach County, Florida. I estimated the said motorcycle to be traveling in excess of 55 mph in a 45 mph speed zone. I paced the motor cycle's speed with my assigned calibrated patrol vehicle asset #60270, VIN # 1FAHP2M8XDG1507 which reveled the motor cycle was traveling 60mph in a posted 45mph speed zone.

A lawful traffic stop was conducted were I made contact with the driver explaining the reason for the stop. I asked the driver to provided his license and he provided his VA card, I again explained I need his license and he provided his valid Florida drivers license identifying himself as Robert Hornsby. While speaking with Hornsby I could smell an obvious odor of an unknown alcoholic beverage emitting from his person. While continuing to speak with Hornsby I observed his speak was slurred. Hornsby went on the explain he was on his way home, coming from a bar.

Based on my observation I summoned D/S Frey ID 9658 to the traffic stop to conduct a DUI investigation concluding my involvement in the matter.

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SCANNED
SEP 08 2016

The foregoing instrument was sworn to and affirmed before me this 4TH day of SEPTEMBER 20 16 by:

D/S J. Frey 9658
Name of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)

D/S R. Cook 16739
Name of Arresting/Investigating Officer

Signature of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)

Signature of Arresting/Investigating Officer

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 04 DAY OF Sep 20 16, AT 01:39 ✓ AM PM

SUBJECT: Hornsby, Robert, Virgel CASE NUMBER: 16122792

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S Jacob Frey

PERSONAL CONTACT

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

On 04Sep16 at 0139hrs D/S R. Cook (16739) was on patrol in the area on 6200 Atlantic Ave, Delray Beach, in unincorporated Palm Beach County. He observed a motorcycle (FL tag 83VZJ) traveling westbound at a high rate of speed. He paced the motorcycle using his marked patrol vehicle (60270) at 60mph in a 45mph zone. He stopped the motorcycle using the emergency lights on his marked patrol vehicle. He asked the driver, later identified as Robert Hornsby, for his license; Robert handed D/S Cook a VA Card.

OBSERVATION OF DRIVER:

D/S Cook stated when he spoke to Robert he could smell the odor of an unknown alcoholic beverage emitting from his person. He also observed that his speech was slurred.

When I arrived I noticed Robert sitting on the curb behind his vehicle. I immediately smelled the odor of an unknown alcoholic beverage coming from him. I asked him to stand; he stumbled as he stood and nearly fell over. I told him I was conducting a DUI investigation and he told me "arrest me". I had him walk to the front of my marked patrol vehicle, he stumbled and staggered as he walked and had difficulty walking in a straight line. When standing, his body swayed and he had difficulty standing with his feet together.

DRIVER'S STATEMENTS:

He made several statements to me that I should just arrest him and take him to jail. He stated he knew he was going to get 9 years in prison. His speech was slurred.

He told D/S Cook he was on his way home coming from a bar.

****ROBERT STATED HE IS AN HONERABLY DISCHARGED U.S. VETERAN FROM THE ARMY.****

ODORS:

Strong odor of an unknown alcoholic beverage coming from his breath and person.

GENERAL OBSERVATIONS

SPEECH: **Slurred**

ATTITUDE: **cooperative, relaxed, indifferent, carefree, restless**

CLOTHING: **blue button down shirt, tan shorts, white sneakers**

MEDICAL/OTHER: **"corns" on feet, right ACL/knee, back, PTSD, traumatic brain injury, tinnitus**

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Jacob Frey
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 04 day of Sep 20 16 by D/S Jacob Frey

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

Sue Owen (#3184)
Notary Public, Clerk of Court, Officer (F.S.S 117.10)

B. SUE OWEN
State of Florida-Notary Public
Commission # FF093160
My Commission Expires
May 30, 2018

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SCANNED
SEP 08 2016

SUBJECT: Hornsby, Robert, Virgel CASE NUMBER 16122792

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:

He had difficulty following with his eyes. His eyes were watery. He did not have Vertical Gaze Nystagmus or Lack of Convergence. His body swayed during the task and he had a difficulty standing with his feet together.

WALK & TURN:

I instructed and demonstrated the walk and turn. He acknowledged he understood the instructions. He could not stand as instructed and had to step off the line for balance. He attempted this twice. He stated he could not do the task. I explained to him the Taylor Warning. He attempt to stand as instructed but started to walk immediately. He stated he could not complete the task. The task was completed on a level and dry surface using a white painted line.

ONE LEG STAND:

I instructed and demonstrated the on leg stand. He acknowledged He understood. He tried to lift his foot off the ground but could only keep it up for a couple seconds. He told me he was not refusing to complete the task but could not physical complete the task. The task was completed on a dry and level surface.

FINGER TO NOSE:

I instructed and demonstrated the finger to nose. He acknowledged he understood. He started the task before being instructed. He had difficulty leaning his head back and leaned his whole body backwards. On several commands he touched the bottom of his nose. He used the wrong arm on one of the commands. His body swayed. He could not keep his eyes closed; they were open during the entire task. The task was completed on a dry and level surface.

ROMBERG ALPHABET:

He told me his highest level of education was "Junior college" and his degree path was mathmatics. He acknowledged he understood the English alphabet. During the task his body swayed. He had difficulty keeping his head tilted back and leaned his whole body backwards. He could not keep his eyes closed; they were open during the entire task. The task was completed on a dry and level surface.

I instructed the Modified Rhomberg. He acknowledged he could estimate 30 seconds. His estimate of 30 seconds was approximately 25 seconds. During the task his body swayed. He had difficulty keeping his head tilted back and leaned his body backwards. He could not keep his eyes closed; they were open during the entire task. The task was completed on a dry and level surface.

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Jacob Frey
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 04 day of Sep 20 16 by D/S Jacob Frey

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

Sue Owen (#3184)
Notary Public, Clerk of Court, Officer (F.S.S 117.10)

B. SUE OWEN
State of Florida-Notary Public
Commission # FF093160
My Commission Expires
May 30, 2018

SCANNED
SEP 08 2016