



# DUI PROBABLE CAUSE AFFIDAVIT

On the 18th Day of January at 0351 A.M. P.M.  
Subject: Williams, Samuel Case Number: 17-1116  
Agency: West Palm Beach Police Department Arresting Officer: Donde 1530

## Personal Contact

Driving Pattern	Actual physical control (physical evidence putting the driver behind the wheel)
<p>I witnessed the driver driving fail to stop at the red light at Okeechobee and Indian Rd. He was driving a red MERZ BODY: 2D YR MK: 14 FL EAGQ80. ( see in car video) &gt; Upon stopping vehicle at the Spearmint Rhino. The driver did not stop right away and had to use the air horn twice for him to stop.</p>	

Observation of Driver	Slurred speech with English / British accent, glass eyes,
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Drivers Statements:	I explained the reason for stop upon contact Driver agreed with me he ran light. Was following a friend though had a working accessible phone. I know I did not stop. **** understood English and how I spoke. This was confirmed several times. During walk and turn "I'm not a very balanced person away" " I could not do that in school"
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Odors:	Very strong odor coming from the driver sole occupant as he spoke. explained this to the driver as asked him to exit.
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## General Observations

Speech: accent slurred at times
Attitude: cooperative polite
Clothing: tan pant black shirt
Medical Problems/Medications: dyslexic ..... reason romberg alphabet was one done poor.
Other: Repeatedly mentioned he was chilly high 60's- low 70's

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Case Number: 17-1116

## Roadside Tasks

### Horizontal Gaze Nystagmus

<input checked="" type="checkbox"/> Left Eye Does Not Follow Smoothly	<input checked="" type="checkbox"/> Right Eye Does Not Follow Smoothly
<input checked="" type="checkbox"/> Left Eye Jerks at 45 Degree Angle or Less	<input checked="" type="checkbox"/> Right Eye Jerks at 45 Degree Angle or Less
<input checked="" type="checkbox"/> Distinct Jerking Left Eye at Maximum Deviation	<input checked="" type="checkbox"/> Distinct Jerking Right Eye at Maximum Deviation

Brown eyes..

Upon starting this task, I showed him how I wanted him to follow the pen. The driver follow the pen. HE verbalized the instructions as the task was preformed. Onset was observed at approx. 15 degrees. The driver swaying during the exercise. Would not turn around and relax had to remind him several times.....

### Walk and Turn Task

– I instructed the driver to stand with his left foot on the line and with his right foot directly in front of the left touching heel to toe with his hands/arms down by his sides. The line was a crack separation in the pavement which was relatively straight and smooth. The driver was told to remain in this position until told to begin. HE stepped off the line during instruction phase. I explained and demonstrated the exercise and he said he understood the instructions. The instructions were explained several times. Driver repeated the walking instructions to me after I explained them. Stepped off and out of instruction position at least twice. during forward used arms for balance step 3-4. missed heel to toe step 5 more than a inch. return steps fine arms away from sides approx. 3 inches .

### One Leg Stand

I had the driver stand with his feet together and hands down at his sides. I explained and demonstrated the exercise and he stated he understood the instructions. Lifted leg counted 1000's not 1001, 1002. miscounted several times only said 11/1200 1400 then 1600 count 25 then 2600.

### Finger To Nose

I had the driver stand with his feet together, arms/hands down at his sides and index fingers pointed out. I explained and demonstrated the exercise and he stated he understood the instructions. I asked the driver to tilt his head back and close his eyes. On the first left, the driver brought up his finger to under his nose. 1st right repositioned to tip on 2nd left under tip then repositioned to tip 2nd right to tip as 3rd right and 3rd left. I observed the driver swaying front to back.

### Romberg Alphabet

–I explained and demonstrated the exercise and he stated he understood the instructions. Has A masters degree and mentioned he has Dyslectic. unable to complete task correctly after several attempts.

## Breath Results from Instrument

1st Result

nsp

2nd Result

.137

3rd Result

If Applicable

.140

State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this

Personally Known

Produced Identification

Notary Public

(DATE)

Notary / Clerk of Courts / Officer (FSS: 117.10)

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Signature of Arresting Officer

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SUBJECT: Williams, Samuel

CASE NUMBER: 17-1116

## **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 determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your  BLOOD for the purpose of determining its alcohol content.

### **NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.**

I am Ofc. Donde of the West Palm Beach Police Department. 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.

SUBJECTS SIGNATURE: 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 can not 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.

SUBJECTS SIGNATURE: Read on camera

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**JAN 19 2017**

West Palm Beach Police Department  
Breath Testing Facility Report



Defendant: Williams, Samuel Case #: 17-1116  
Arresting Officer: Donde 1530 Date: 1/18/2017  
  
Breath Test Results: nsp g/210L 0614 Time .137 g/210L 0620 Time  
.140 g/210L 0623 Time        g/210L        Time  
Note: Times are in Military Time  
Breath Operator: Ofc. Donde  
Maintenance Technician Ofc. R. Secord #1639

Testing Officer Observations:

Speech: slow slurred  
Attitude: cooperative polite  
Clothing: grey tan pants black long sleev  
Medical Conditions: none Dyslexia  
Medications: none  
Other:       

Arrival Time at Facility/ Time Twenty (20) Minute Observation Started: aprox 0500 / 0540

Comments:

Implied consent explained, asked about consequences of breath refusal explained . asked about limit in US and FLA.08.

I asked if he would answer "No comment" to all questions and he responded No comment

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**DEFENDANT:** Williams, Samuel

**CASE NUMBER: 17-1116**

## 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:

**INTERVIEWER:** \*\*\*\* No comment \*\*\*\*\* did not go through all questions,

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# West Palm Beach Police Department

600 Banyan Blvd  
West Palm Beach, Florida 33401  
(561)822-1900

## Witness List:

Arresting Officer: Donde 1530 Case Number: 17-1116

Address: (West Palm Beach Police Department) 600 Banyan Blvd, West Palm Beach, FL 33401

Phone Number Home: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: (561)822-1900

Can Testify to: \_\_\_\_\_

Witness Name: Ofc Ryan Secord Case Number: 17-1116

Address: West Palm Beach Police Department - 600 Banyan Blvd, West Palm Beach, FL 33401

Phone Number Home: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: 561-822-1869

Can Testify to: Agency Intox Inspector

Witness Name: \_\_\_\_\_ Case Number: 17-1116

Address: \_\_\_\_\_

Phone Number Home: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_

Can Testify to: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Case Number: 17-1116

Address: \_\_\_\_\_

Phone Number Home: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_

Can Testify to: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Case Number: 17-1116

Address: \_\_\_\_\_

Phone Number Home: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_

Can Testify to: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Case Number: 17-1116

Address: \_\_\_\_\_

Phone Number Home: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_

Can Testify to: \_\_\_\_\_

## VI. Information or evidence to be supplied later:

Item(s): \_\_\_\_\_

Date will be furnished: \_\_\_\_\_

Why not supplied at filing: \_\_\_\_\_

Note: It is the responsibility of the officer filing the case to insure that the foregoing list is complete and correct

Signature of the Filing Officer

Date

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