

0287771
Arrest Report

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

Report Date / Time 9/21/2019 04:54 AM	Report Number FHP99ARR804680	Case Number/Cad Number FHPL19OFF062457 / LWRC19CAD172482	Reporting Officer Name SAYIH R. A.
Originating Agency ORI	Occur Date Time Range 09/21/2019 04:11:05 - 09/21/2019 07:00:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type RESIDENCE	Location Description
Street Number	Street SB SR 809 NOF COUNTRY CLUB BLVD	Apt/Lot/Bldg City State Zip Code FL

Defendant

First Name STEPHEN	Middle Name JAY	Last Name PATENT	Suffix	Race WHITE	Sex MALE	Height 600	Weight 140	Hair GRY	Eyes BRO
MNI #	SSN	Date of Birth 07/22/1946	Age 73	Place of Birth DETROIT MI USA	Drivers License or other ID P353790462620	State FL	ID Type E	Address * RESIDENCE / 6094 FOREST HILL BLVD APT 205 , WEST PALM BEACH, FL 33415 / 561-308-2250	

Arrest

Arrest Date/Time 9/21/2019 4:45:18 AM	Arrest Location Type OTHER	Arrest Location Description			
Street Number	Street SB SR 809 NOF COUNTRY CLUB BLVD	Apt/Lot/Bldg County PALM BEACH	City GREENACRES CITY	State FL	Zip Code

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	<input type="checkbox"/> 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	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

On Saturday, September 21st, 2019, I Trooper Sayih #3822 was on routine road patrol in Palm Beach County. I was traveling southbound on Military Trail (State Road 809) north of Melaleuca Ln. in the left turn lane. I observed a white in color Toyota traveling southbound on Military Trail (State Road 809) in the center lane that activated its horn as it traveled past me. Proceeding to follow the white in

Arrest Report

Page 1 of 5

CPI NONREAL 7206

FILED
 SEP 22 2019
 SHARON R. BOCK
 Clerk & Comptroller

Received WS
 SEP 23 2019

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color Toyota I observed it to then be accelerating in speed and swerving within its lane now in the outside lane. As I began to overtake the white in color Toyota, the driver began to abruptly apply its brakes with no vehicles or obstructions in the roadway for them to do so. The white in color Toyota continued this driving pattern to which I then activated my emergency lights and sirens in an attempt to conduct a welfare check on the white in color Toyota. With my emergency lights and sirens activated, the white in color Toyota did not immediately react to my attempt to stop it and continued to travel southbound. Initially the white in color Toyota showed similar indications that it was not going to stop and possibly flee from me. Driving in a reckless manner, the driver of the white in color Toyota then pulled off to the right side of the roadway and placed the vehicle in park to which I then advised the driver to place his hands outside of the driver window. Approaching the driver on the vehicles driver side I observed a white elderly man who was later identified through his Florida driver license to be Stephen Jay Patent 07/23/1946 in the driver seat. Mr. Patent was then asked to remove the keys from the ignition and place them on the top of the vehicle. Once the vehicle was turned off, Mr. Patent was advised on the reasoning of why he was being stopped as I began to express my concerns towards his well being seeing how his driving pattern was not normal. Mr. Patent advised me that nothing was wrong with him and that everything was okay. I made sure to rule out any medical complications that Mr. Patent may have in which he assured me that he had nothing wrong with himself. Mr. Patent was asked where he was coming from and where he was heading towards. Mr. Patent advised me that he had just woken up at home and was on his way to Denny's to go eat breakfast. Mr. Patent speech was thick slurred and mumbled. I also observed Mr. Patent's eyes to be red in color and glossy along with his pupils being very constricted. Mr. Patent was questioned on any medication that he might be taking to which he advised me that he takes Sertraline and that he had last taken it this morning when he had woken up. Mr. Patent was then asked to step out of the vehicle due to me having reason to believe he was driving under the influence of alcohol and/or a controlled substance. As Mr. Patent exited the vehicle he appeared to be off balance and very limp. On the side of the roadway Mr. Patent was asked once again if there were any medical complications that I should know about. Mr. Patent advised me again that he was okay and nothing was wrong. As Mr. Patent stood in front of me I observed him to be swaying and exhibited body tremors. Mr. Patent was then asked if he would consent to perform a series of roadside exercises to which he consented to perform. (See Roadside Tasks Sheet/ Video).

The area for the following roadside exercises was level and free of debris. Subject agreed to use a straight solid white line provided by the roadway to perform the walk and turn exercise. Subject was asked if he had any problems with his eyes aside from corrective vision, or injuries that would prevent him from performing any of the exercises that will be requested of him to perform. Subject advised that he did not have anything any physical body injuries or limitations and would be able to perform the exercises.

Horizontal Gaze Nystagmus:

Mr. Patent was unable to initially follow my pen light without his glasses. Mr. Patent was then told to put his glasses back on to see if it would be of assistance to him.

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- LT EYE-LACK OF SMOOTH PURSUIT
- RT EYE-LACK OF SMOOTH PURSUIT
- LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- LT EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- RT EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Walk and Turn Exercise:

Interaction Phase:

- Subject swayed in starting position.
- The exercise was then demonstrated and explained to the Subject.
- Subject advised he understood instructions and did not have any questions.
- Subject lost balance
- Subject was not able to perform the exercise and stopped due to safety concern

One Leg Stand Exercise:

Interaction Phase:

- Subject was swaying while in starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised he understood the instructions and did not have any questions.
- Subject exhibited leg and body tremors when attempting to conduct the exercise
- Subject almost fell over
- Subject was unable to conduct exercise and it was stopped due to safety concerns

Finger to Nose:

Interaction Phase:

- Subject was swaying while in the starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised he understood the instructions and did not have any questions.
- On the subjects first attempt with his left finger he touched the left side of his nose with the side of his finger
- On the subjects second attempt with his right finger he touched the right side of his nose with the side of his finger.
- On the subjects third attempt with his left finger he touched the left side of his face with the pad of his finger and left his finger on there until he realized he had to bring it back down to the starting position.
- On the subjects fourth attempt with his right finger he touched the right side of his nose with the side of his finger.

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Rhomberg Balance:

Interaction Phase:

- Subject was swaying while in the starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised he understood the instructions and did not have any questions.
- Subject exhibited eyelid tremors
- Subject estimated 30 seconds in 48 seconds.

Fire Rescue was then called to the scene as a precaution to again, rule out any medical concern for Mr. Patent. Once Mr. Patent was medically cleared by fire rescue it was deemed that due to the totality of the circumstances, Mr. Patent was then placed under arrest for DUI pursuant to Florida Statue 316.193.1 at 04:45 AM. Mr. Patent was placed in my patrol vehicle where he was then transported to the Palm Beach County Jail's Breath alcohol testing facility (BAT). Inside the Palm Beach County Jail's breath alcohol testing facility (BAT) Mr. Patent began a 20 minute observation prior to being provided an opportunity to provide a breath sample. After Mr. Patent's 20 minute observation, he was given an opportunity to provide a breath sample in which he was unable to follow simple instruction on how to do so several times. Mr. Patent would continuously inhale when asked to provide a breath sample into the instrument. Mr. Patent showed several times that he understood how to blow out as he did so into the air but when provided the instrument to do so, Mr. Patent continued to inhale. Mr. Patent was considered a refusal at approximately 06:10 AM.

Video of the traffic stop roadside exercises and transport to the Palm Beach County Jail can be obtained through the FHP custodian

Video of the Palm Beach County Jail's BAT facility can be obtained through the Palm Beach County

Jail Bookin Facility

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

Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Number

Booking Comments

Court

Court County	Court Location
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

Court	Court Phone	Court Apperance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	10/22/2019 08:30 AM	




Comments

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Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SAYIH R. A. TROOPER 3822	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL1LWRCIPALM BEACHBROW LN TO SR804

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 SAYIH R. A.	Office Rank TROOPER	Officer ID No 3822	Sworn and subscribed before me, the undersigned authority This the <u>21</u> day of <u>September</u> , 2019
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT 
			 <p>JOSHUA BELL MY COMMISSION #GG346008 EXPIRES: JUN 18, 2023 Bonded through 1st State Insurance</p>

NOT A CERTIFIED COPY

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006477 Software: 8100.27
Date of Test: 09/21/2019

Date of Last Agency Inspection: 09/13/2019
Observation Period Began: 05:27
Subject's Name: STEPHEN J PATENT DOB: 07/22/1946 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	05:52
	Air Blank	0.000	05:53
	Control Test	0.080	05:53
	Air Blank	0.000	05:54
	Subject Sample #1	NSP*	05:57
	Air Blank	0.000	05:57
	Air Blank	0.000	05:59
	Subject Sample #2	VNM**	06:02
	Air Blank	0.000	06:03
	Control Test	0.080	06:03
	Air Blank	0.000	06:04
	Diagnostics Check	OK	06:04

*No Sample Provided
**Volume Not Met (0.000 - Breath Sample Not Reliable to Determine Breath Alcohol Level)

Cylinder Lot: 17919080A1
Exp: 08/05/2021

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who () is personally known to me or () produced _____ as identification, and who after being placed under oath, states:

I JOSHUA J BELL, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: [Signature] Date: 09/21/19
Signature

Sworn to (or affirmed) before me this 21 day of September, 2019
[Signature] TPR. SAYIH #3822
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.



PALM BEACH COUNTY SHERIFF'S OFFICE
 DUI TESTING FACILITY
 INFORMATION SHEET

PBSO CASE # 19-117568 AGENCY CASE# FHPL19OFF062457
 AGENCY ZONE 1-34 CRASH CASE # _____
 TIME OF STOP/CRASH 04:11 AM DATE 09/21/2019 DAY SATURDAY
 SUBJECT'S NAME STEPHEN JAY PATENT RACE W SEX M
 HGT 6'00" WGT 140 DOB 07/22/1946
 LOCATION SB SR 809 NOF N COUNTRY CLUB
 ARRESTING OFFICER'S NAME & ID TPR. SAYIH #3822 AGENCY FLORIDA HIGHWAY PATROL
 DIVISION: LAKE WORTH NOTIFIED BY COMMO YES
 ARRIVAL AT FACILITY 05:27AM
 BREATH RESULTS: ARREST TIME 04:45 AM
 1. NSP
 2. .000/VNM
 3. REFUSED
 4. _____
 TESTING OFFICER'S ID 8656 PBSO VIDEOTAPE # N/A

NOT CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: PATENT, STEPHEN J

CASE NUMBER: 19-117568

DATE: 09/21/19

VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 0550

ENDING TIME: 0610

BREATH TESTS RESULTS: 1) NSP TIME 0557 A.M./P.M. 2) .000/VNM TIME 0602 A.M./P.M.
3) R TIME 0610 A.M./P.M. 4) N/A TIME XX A.M./P.M.

BREATH OPERATOR: J. BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED, MUSHMOUTHED

ATTITUDE: LETHARGIC

CLOTHING: BLUE BUTTON UP, BLUE JEAN SHORTS, BLACK SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: SERTRALINE

OTHER: EYES: GLASSY

COMMENTS: ARRIVED AT CENTER A/O BEGAN 20 MIN OBSERVATION AT 0527 HRS

SUBJECT STATED HE WOULD TAKE BREATH TEST

AFTER REPEATED INSTRUCTIONS SUBJECT FAILED TO PROVIDE BREATH SAMPLE

A/O READ I.C

SUBJECT STATED HE UNDERSTOOD I.C. AND AGREED TO CONTINUE BREATH TEST

AFTER REPEATED INSTRUCTIONS SUBJECT FAILED TO PROVIDE BREATH SAMPLE

A/O READ RIGHTS

SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

A/O CONDUCTED Q AND A

SUBJECT ANSWERED QUESTIONS

A/O CALLED REFUSAL DUE TO SUBJECT BEING UNABLE OR UNWILLING TO PROVIDE BREATH SAMPLE

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

I, TPR. SAYIH #3822, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Florida Highway Patrol, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 21 day of September, 2019, at 04:45 P.M. A.M.

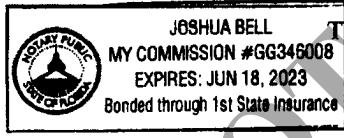
DRIVER Stephen Jay Patent,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# P353-790-46-262-0, state of Florida, was placed under lawful arrest for
the offense of D. U. I. by TPR. SAYIH #3822 and
(Name of Arresting Officer)
issued Citation # A76SNCE.

That on or about the 21 day of September, 2019, at 0610 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.

[Signature] #3822
Signature of Law Enforcement Officer or
Correctional Officer



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

The foregoing instrument was sworn and subscribed before me:

(AFFIX SEAL)
The foregoing instrument was sworn and subscribed before
me this 21 day of September, 2019,
by _____,
who is personally known to me or who has produced
_____ as identification

Notary Public [Signature]

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.

SUBJECT: Patent, Stephen J CASE NUMBER: FHP190FF062457

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 TPR. SAYIH #3822 of the FHP

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.

SUSPECT'S SIGNATURE: (X) Read On Camera



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

REVIEW COMPLETED BY

Booking Number: 2019030867

Date: 09/22/2019

Specialist Name/ID: AM/31562