

P-525

2019 JUN 29 AM 9:11
Page 1 OF 1

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 27 DAY OF June 2019 AT 10:56 ☐ A.M. ☒ P.M.

CASE #: 19-036081

DEFENDANT: MARKOVIC, STEVAN

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On the above date and time while stopped in the inside eastbound lane of W. Gateway Blvd, at the intersection of High Ridge Rd, I observed a dark blue Audi bearing Florida tag IBPF74 driving westbound in the eastbound lanes through the above intersection. Let it be noted that this incident occurred within the City of Boynton Beach, Palm Beach County, Florida. The vehicle continued westbound into the opposite left/north turn lane, passing me directly to my left. As the vehicle passed me it struck the lifted concrete median with its front right tire. Due to the vehicle's behavior and safety of all the drivers traveling eastbound on W. Gateway Blvd, which traffic was medium at this time, I made a quick u-turn and attempted to conduct a traffic stop on the vehicle. The vehicle refused to immediately stop and pull over but instead continued westbound at approximately 20mph. I continued to chirp my siren to my vehicle numerous times, especially as the vehicle was traveling towards oncoming vehicles. After approximately 100 feet the vehicle finally stopped.

I then made contact with the driver/sole occupant W/M Markovic, Stevan (12/23/63), whose face was red flushed and sweaty. Markovic's eyes were large, bloodshot and glassy. I asked Markovic if he was okay, which he apologized that he took a wrong turn. Markovic advised that he was coming from Las Olas, Ft Lauderdale and was heading home. While Markovic was retrieving his credentials he appeared to be confused and unsure of the locations to his documents. While speaking with Markovic I detected the odor of an unknown alcoholic beverage emitted from his breath, which intensified as he spoke. Markovic's speech was thick and slurred. At this point of my investigation I asked Markovic to exit the vehicle, which he agreed to. As Markovic walked towards the front of my vehicle he swayed side to side. While speaking with Markovic outside of his vehicle I still detected the odor of the unknown alcoholic beverage emitting from his breath. Markovic's appearance did not change. I asked Markovic if he has consumed any type of alcoholic beverages tonight, which he stated yes. Markovic advised that he had one IPA 14oz beer and that was it. At this point of my investigation I requested Markovic to submit to a Series of Standardized Field Sobriety Task, which he agreed to. Prior to beginning I asked Markovic if he had any injuries and/or disabilities I should be aware of, which he stated no. See the following:

Pen Exercise: During the task Markovic swayed side to side, numerous times. Markovic had a difficult time following the stimulant with his eyes only, without moving his head. There were times that Markovic would not move his eyes at all.

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|--|---|
| ☐ Left eye does not follow smoothly | ☐ Right eye does not follow smoothly |
| ☐ Left eye prior to 45 degrees | ☐ Right eye prior to 45 degrees |
| ☐ Distinct jerking in left eye at maximum deviation | ☐ Distinct jerking in right eye at maximum deviation |
| ☐ Vertical Nystagmus in left eye | ☐ Vertical Nystagmus in right eye |

WALK AND TURN:

The following task was demonstrated and explained to Markovic, which he stated that he understood. During the instructional stage Markovic swayed side to side. Markovic lost his balance numerous times and started the task too soon. During the walking stage Markovic took 12 forward steps in a normal walking manner, missing every heel to toe steps and utilizing his arms for balance. Markovic stepped off the line on step number 7. Once Markovic reached step 12 he looked at me and stared. I asked Markovic if he was done, which he stated "yea". Task was not completed.

ONE LEG STAND:

The following task was demonstrated and explained to Markovic, which he stated that he understood. During the instructional stage Markovic swayed side to side. During the balancing stage Markovic raised his right foot, raising it only 2-3 inches from the ground. Markovic dropped his foot numerous times, swayed side to side, used his arms for balance and lost his balance at one time.

FINGER TO NOSE:

The following task was demonstrated and explained to Markovic, which he stated that he understood. During the instructional stage Markovic swayed side to side. During the exercise stage Markovic missed the tip of his nose on the first RIGHT command. Markovic was breathing heavily and kept opened his mouth stretching his jaw and tongue.

ROMBERG/ALPHABET:

The following task was demonstrated and explained to Markovic, which he stated that he understood. During the instructional stage Markovic swayed side to side. During the exercise stage Markovic advised that he did not feel comfortable recited the English alphabet, therefore I had Markovic count from 26 -51. Markovic counted to 47 and stop; repeating number 33 twice. Markovic then opened his eyes and advised that he was done.

Based on the above facts, Markovic was placed into custody under suspicion of DUI (D/L and Spaced). Markovic was then placed in the back seat of vehicle 4550 (Officer Donnino) and was transported to the Palm Beach County BAT facility. Officer Donnino and I arrived at the facility at 2330hrs, started my 20 minutes observations at 2335hrs and completed it at

2255hrs. Upon completion I requested Markovic to provide a sample of his breath to determine the alcohol content, which he agreed to. Markovic provide two accurate breath samples which were .156 and .156. I then read Markovic his Miranda Warnings, which he stated that he understood. Markovic completed the Q & As. Investigation was completed at this time.

Based on the above facts I've established Probable Cause to arrest Markovic with 1M count of DUI > .15 BAC (Enhanced) F.S.S. 316.193(4)(4). Markovic was processed and later TOT PBCJ.

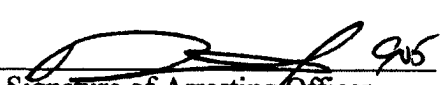
Incident was captured via BWC, no in-car video. Markovic's vehicle was removed from scene by Beck's Towing.

Nothing further.

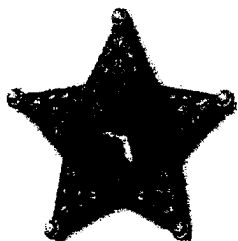
The following instrument was sworn to before me this 28 day of June 2019

By: PERSONALLY KNOWN / OFFICER CASTRO #905


Notary/Police Officer (F.S.S. 117.10)

 905
Signature of Arresting Officer





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

PBSO CASE # 19-087261 PBSO ZONE 6-12

AGENCY CASE # BBPD 19-036081 CRASH CASE # _____

TIME OF STOP/CRASH 2256HRS DATE 06/27/2019 DAY _____

SUBJECT'S NAME MARKOVIC STEVAN RACE WHITE SEX MALE
LAST FIRST MID

HGT 602 WGT 195 DOB 12/23/1961

LOCATION HIGH RIDGE RD / GATEWAY BLVD, BOYNTON BEACH, FL, 33426

ARRESTING OFFICER'S NAME & ID CASTRO 905 AGENCY BOYNTON BEACH PD

DIVISION: _____

NOTIFIED BY COMMO ✓

ARRIVAL AT FACILITY 2335HRS

ARREST TIME 2317HRS

BREATH RESULTS:

1) .156

2) .156

3) _____

4) _____

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # /

TESTING FACILITY TASK REPORT

AGENCY: BBPD Ofc. Castro #905
SUBJECT: Markovic, Steven CASE NUMBER: 19-087261
DATE: 06-27-19 / 06-28-19 VIDEO TAPE NUMBER: 1

BEGINNING TIME: 2356hrs ENDING TIME: 0013hrs

BREATH TESTS RESULTS: 1) .156 TIME 0001 ~~A.M.~~ P.M. 2) .156 TIME 0005 ~~A.M.~~ P.M.
3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: 3. O'Neal #6212

MAINTENANCE TECHNICIAN: Cpl. Kurlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Accent, Mumbled

ATTITUDE: Calm, Cooperative

CLOTHING: Shirt: Black Pants: Black Blue Jeans

MEDICAL CONDITIONS: —

MEDICATIONS: —

OTHER: Eyes: Red, Glussy

Odor of unknown alcoholic beverage.

COMMENTS: 20 min observation done by AIO Castro #905

AIO requested the breath test.

ID submitted to the breath request.

ID had a little difficulty, but eventually blew correctly to complete the test.

C/W read on camera.

Q&A conducted

CASE #: 19-036081

DEFENDANT: MARKOVIC, STEVAN

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.

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.

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

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 statements can and will be used against you in a court of law.

Suspect's Signature: READ ON VIDEO

CASE #: 19-036081

DEFENDANT: MARKOVIC, STEVAN

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.

Where you operating a motor vehicle at the time of the stop/Accident? YES

Where were you going? HOME

What Street or Highway were you on? GATEWAY BLVD

What was you direction of travel? WESTBOUND

Where did you start from? LAS OLAS

What time did you start? 40 MINUTES PRIOR TO THE STOP

What time is it now? I DON'T KNOW

What is today's date? JUNE 27TH

What day of the week is it? THURSDAY

I WAS IN BOYNTON BEACH, I THINK I'M IN WEST PALM BEACH NOW, PALB
What City and County are you in now? BEACH COUNTY

When did you last eat? I HAVEN'T EATEN ALL DAY

What did you eat? -

What have you been doing for the last three hours? I HAD A DRINK AFTER OFFICE HOURS

How much do you weigh? 195

Have you been drinking? YES

What have you been drinking? BEER

How much? 1

With whom? MYSELF

When did you have your first drink? 730

When did you have your last drink? -

Can you feel the effects of the alcohol? NO

Are you under the influence? I DON'T THINK SO

Have you consumed any alcohol since the stop/accident? NO

How much? - What? - Where? - When? -

What line of work are you in? SOFTWARE ENGINEER

When did you last work? TODAY

Do you have any physical defects or injuries? NO What? -

Are you sick or injured? NO What's wrong? -

Do you limp? NO

Did you receive a bump on the head recently? NO

Where you in an accident today? NO

Have you taken any drugs or smoked any marijuana today? NO When? -

Have you seen a doctor or dentist today? NO

Who? - Why? -

Are you taking any prescription medicines? NO

What? - When? -

Do you have? Epilepsy NO Glass Eye NO False teeth NO

Ear infection NO Inner ear trouble NO Diabetes NO

Do you have any problems with you eyes that are not corrected by glasses? NO

Do you take insulin? NO If so, when was your last injection? -

Have you ever gad a driver's license in any other state? NO

Where? -

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Arresting Officer: CASTRO #905

Address: 100 E. Boynton Beach Boulevard Boynton Beach, Fl. 33435

Phone Numbers: Home: _____ Work: (561) 742-6100

Name: SGT. J. RIVERA #921

Address: 209 N. SEACREST BLVD, BOYNTON BEACH, FLORIDA, 33435

Phone Numbers: Home: _____ Work: 561-742-6100

Can testify to: THE INCIDENT

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: _____

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: _____

Name: _____

Address: _____

Phone Numbers: Home: _____ Work: _____

Can testify to: _____



**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:	

REVIEW COMPLETED BY

Booking Number: 2019021170

Date: 06/29/2019

Specialist Name/ID: AM/31562