ARREST / NOTICE TO APPEAR

19CT 5411

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

1 JUVENILE N

ADMINISTRATION

OBTS Number

Agency ORI Number: 0501700

Agency Name: Jupiter Police Department

Agency Report Number (N.T.A.'s only): 19-001364

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

If Weapon Seized — Enter Type: NONE

Multiple Clearance Indicator: 01

Location of Arrest (Including Name of Business): COUNTRY CORNER, 17433 S CENTRAL, 33458

Location of Offense (Business Name, Address): 17433 S CENTRAL BLVD, JUPITER, FL 33458

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
03/21/2019	19:18	03/21/2019	19:28			NORTH COUNTY TOWING

DEFENDANT

Name (Last, First, Middle): GARDNER, STEVEN LAWERENCE

Alias (Name, DOB, Soc. Sec. #, Etc.): Alias: GARDNER, STEVEN LAWERENCE

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	06/01/1969	6'00	185	BLUE	GRAY	LIGHT	Thin

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):

Marital Status: S

Religion:

Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. — Drug Influence ☐ Yes ☐ No ☒ Unk.

Local Address (Street, Apt. Number): 133 LAKESIDE CR, JUPITER, FL 33458 (City) (State) (Zip)

Phone: (561) 628-9530

Residence Type: 1. City 2. County 3. Florida 4. Out of State — 1

Permanent Address (Street, Apt. Number): 133 LAKESIDE CR, JUPITER, FL 33458 (City) (State) (Zip)

Phone: (561) 628-9530

Address Source: DL

Business Address (Name, Street): (City) (State) (Zip)

Phone:

Occupation:

DL Number, State: G635792692010 / FL

Soc. Sec. Number: [redacted]

INS Number:

Place of Birth (City, State): FT WAYNE, IN

Citizenship: US

CO-DEF

Co-Defendant Name (Last, First, Middle) | Race | Sex | Date of Birth | ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

Co-Defendant Name (Last, First, Middle) | Race | Sex | Date of Birth | ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Other: ☐ Legal Custodian — Name (Last, First, Middle) — Residence Phone

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

Notified by: (Name) — Date — Time — JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated

Released To: (Name) — Relationship — Date — Time

The above address was provided by ☐ defendant and/or ☐ defendant's parents.
The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.
☐ Yes, by: ☐ No:

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. Disperses/ 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. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #
DUI - DRIVING WHILE UNDER INFLUENCE	316.193(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	☐ Y ☒ N		

Charge Description — Statute Violation Number — Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

Charge Description — Statute Violation Number — Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant

Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries
Explain:

Check which applies: ☐ Released O.R. ☐ Posted Bond ☐ Released to Parent/Guardian ☐ South County Mental Health ☐ T.O.T. County Jail

PROPERTY - Received By — Released By — Released To

Transported By — Date Transported — Time Transported — Other

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): North County PALM BEACH GARD

Court Date and Time: 04/22/2019 08:30:00

I AGREE TO APPEAR 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 [signature] 3/21/19
Signature of Defendant (or Juvenile and Parent/Custodian) — Date Signed

2019 MAR 22 AM 8:39

No Photo Available

ADMIN

HOLD for Other Agency

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Intake Deputy — I.D. # — Pouch #

Signature of Arresting Officer: [signature] 380/1135

Name of Arresting Officer (Print): BORROWS, ANDREW — I.D. #: 1138

Transporting Officer: OFC A BORROWS — I.D. #: 380 — Agency: JPD

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X".

NOT A CERTIFIED COPY

MAR 2 2 2019

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

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

JUVENILE:

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL 0501700	JUPITER POLICE DEPARTMENT	5 | 4 | 19-001364

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
GARDNER, STEVEN LAWERENCE	GARDNER, STEVEN	W	M	06/01/1969

CHARGES

Charge Description	Charge Description
DUI 316.193(1)	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth

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

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

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and resonable 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.

☐ confessed to _____ admitting to the below facts.

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

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

On the 21 day of March, 2019 at 18:37 (Specifically include facts constituting cause for arrest.)

On the above date at approximately 1837 hours, I was dispatched to a just occurred crash in the parking lot of the Country Corner Convenience Store located at 17433 South Central Boulevard, in the Town of Jupiter, Palm Beach County, Florida.

Upon my arrival, I made contact with both drivers involved. I conducted a crash investigation which was inconclusive in assigning fault. At the time of this writing, I am waiting for video surveillance from the convenience store prior to assigning fault in the crash. Anton Stovpchenko was driving a 2016 Mercedes bearing Florida license plate IG40ZV and backing into a space close to the door. Steven Gardner was passing in front of Stovpchenko driving a 2006 Isuzu bearing Florida license plate CWLB50. The Mercedes` front passenger side quarter panel/bumper and the Isuzu`s rear driver`s side quarter panel made contact. Stovpchenko stated he was reversing when Gardner cut in close to him and Gardner stated that he tried to pass in front of Stovpchenko and Stovpchenko drove forward into his vehicle. Stovpchenko identified Gardner as the driver of the pickup truck.

While speaking with Gardner, I could smell the intermittent odor of an unknown alcoholic beverage on his breath. Gardner`s eyes were bloodshot and glassy and he was occasionally slurring his speech. Gardner tended to lean up against his truck at every opportunity.

Upon the completion of my crash investigation, I advised Gardner of his Miranda Rights from a prepared text and told him I was concerned he was possibly under the influence. Gardner stated that he was driving his truck and Stovpchenko drove forward into the back panel of his pickup. Gardner denied drinking. Gardner stated he did take a Xanax earlier in the day. I asked Gardner to complete roadside tasks. Gardner was immediately hostile and refused, demanding to be taken to jail. Gardner became visibly agitated. I attempted to explain roadsides to Gardner and he adamantly refused to

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER

03/21/2019
DATE

Notary Public State of Florida
Paris Pound
My Commission GG 200028
Expires 03/25/2022

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

BORROWS, ANDREW (1138)
NAME OF OFFICER (PLEASE PRINT)

03/21/2019
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED
MAR 2 2 2019

ADMIN

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	1	JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL 0501700	JUPITER POLICE DEPARTMENT	5 | 4 | 19-001364

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DEF

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GARDNER, STEVEN LAWERENCE	GARDNER, STEVEN	W	M	06/01/1969

PROBABLE CAUSE STATEMENT

complete even Horizontal Gaze Nystagmus. Gardner was generally irrational and even though he was adamant he hadn`t been drinking indicated it would be easier to be arrested than even completing HGN. I advised Garnder of his Taylor Warnings and Gardner continued to refuse. I then placed Gardner under arrest for DUI and secured him in handcuffs, which I checked for spacing and double locked.

I had previously noticed a cooler in the front of Gardner`s vehicle, on the floor immediately next to the driver`s seat. I opened the cooler. It had a combination of water and ice in it. There were four Natural Ice beer cans in it. Three were empty and one was unopened. There was a plastic travel mug in the cooler also. It was about half full with a brown frothy substance with a distinct beer like odor in it. I recognized the liquid as beer. I took photos of the containers using my digital camera and later placed the photos onto evidence.com. My on scene investigation was captured on my issued body worn camera.

I transported Gardner to the Palm Beach County Breath Alcohol Testing Facility. I conducted a 20 minute observation period and requested that Gardner provide a sample of his breath. He refused. I read Implied Consent to Gardner and again requested a sample of his breath. Gardner stated that he understood and again refused to provide a breath sample. I placed Gardner in a holding cell while I completed my paperwork. I then booked Gardner into the Palm Beach County Jail where I charged him with DUI per FSS 316.193(1).

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

Notary Public State of Florida
Paris Pound
My Commission GG 200028
Expires 03/25/2022

03/21/2019
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

BORROWS, ANDREW (1138)
NAME OF OFFICER (PLEASE PRINT)

03/21/2019
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P.I.O.

SCANNED MAR 22 2019

WITNESS LIST

CASE NUMBER: 19-001364

ARRESTING OFFICER: Ofc. A. Borrows 380 / 1138

ADDRESS: 210 Military Trail, Jupiter Fl 33458

PHONE NUMBERS (HOME): _____ (WORK) 561 746 6201

CAN TESTIFY TO: PC

NAME: Ofc. S. McGillicuddy 388

ADDRESS: 210 Military Trail, Jupiter Fl 33458

PHONE NUMBERS (HOME) _____ (WORK) 561 746 6201

CAN TESTIFY TO: Scene

NAME: ANTON STOVPCHENKO

ADDRESS 326 JUPITER LAKES BLVD APT 2315A, Jupiter Florida 33458

PHONE NUMBERS (HOME) 773 666 3307 (WORK) _____

CAN TESTIFY TO: Crash, Wheel witness

NAME: MPO V. Marinucci

ADDRESS 210 Military Trail, Jupiter Fl 33458

PHONE NUMBERS (HOME) 0 (WORK) 561 746 6201

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

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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: _____

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SCANNED
MAR 2 2 2019

TESTING FACILITY TASK REPORT

AGENCY: JHD

SUBJECT: [illegible] CASE NUMBER: 19-0006179

DATE: 03/21/19 VIDEO TAPE NUMBER: n/a

BEGINNING TIME: 2022 ENDING TIME: 2024

BREATH TESTS RESULTS: 1) R TIME 2022 A.M./P.M. 2) n/a TIME — A.M./P.M.

3) n/a TIME — A.M./P.M. 4) n/a TIME — A.M./P.M.

BREATH OPERATOR: [illegible]

MAINTENANCE TECHNICIAN: [illegible]

TESTING OFFICER'S OBSERVATIONS

REFUSED

SPEECH: [illegible]

ATTITUDE: [illegible]

CLOTHING: [illegible]

MEDICAL CONDITIONS: [illegible]

MEDICATIONS: [illegible]

OTHER: [illegible]

COMMENTS: [illegible]

REFUSED

NOT A CERTIFIED COPY

SCANNED MAR 22 2019

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

PBSO #0129A REV.11/02

SUBJECT: [illegible] CASE NUMBER: [illegible]

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 _____ of the _____.

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) _____

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) [illegible]

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SCANNED
MAR 22 2013

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

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	☐	539.001 FS	Other: All records relating to pawnbroker transactions.	
	☐	119.0712(2)	Other: Personal information contained within a motor vehicle record	

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REVIEW COMPLETED BY

Booking Number: 2019009628	**Date:** 03/22/2019
	Specialist Name/ID: howardt/7185

SCANNED
MAR 22 2019