

19CT22191 NB

ARREST / NOTICE TO APPEAR		Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile N	
OBTS Number		Agency ORI Number FLO 502600		Agency Name PALM BEACH GARDENS POLICE DEPARTMENT		Agency Report Number (N.T.A.'s only) 78-19007073					
Charge Type: Check as many as apply.		1. Felony ☐		3. Misdemeanor ☒		5. Ordinance ☐		6. Other ☐		Weapon Seized / Type 2. 1. Yes 2. No	
Location of Arrest (Including Name of Business) NORTHLAKE BLVD/MACARTHUR BLVD, PBG, FL		Location of Offense (Business Name, Address) 2900 BLOCK NORTHLAKE BLVD, LP, FL									
Date of Arrest 12/03/2019		Time of Arrest 01:29		Booking Date		Booking Time		Jail Date		Jail Time	
Name (Last, First, Middle) GARLAND, TIMOTHY, SEAN		Alias (Name, DOB, Soc. Sec. #, Etc.)									
Race W - White I - American Indian B - Black O - Oriental/Asian		Sex M		Date of Birth 02/03/1987		Height 5'10		Weight 180		Eye Color HAZ	
										Hair Color BRO	
										Complexion LIGHT	
										Build MEDIUM	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) TAT- BOTH HANDS, BOTH ARMS, CHEST, REAR OF RIGHT LEG		Marital Status SINGLE		Religion CHRISTIAN		Indication of Alcohol Influence Y ☐ N ☒		Indication of Drug Influence Y ☐ N ☒		Unit Y ☐ N ☒	
Local Address (Street, Apt. Number) 4095 TORRES CIR,		(City) NORTH PALM BEACH FL		(State) 33409		Phone (575) 644-1309		Residence Type 1. City 2. County 3. Florida 4. Out of State		2	
Permanent Address (Street, Apt. Number) 4095 TORRES CIR,		(City) NORTH PALM BEACH FL		(State) 33409		Phone ()		Address Source VERBAL			
Business Address (Name, Street) ()		(City) ()		(State) ()		Phone ()		Occupation CHEF			
D/L Number, State G645817870430 FL		Soc. Sec. Number ()		INS Number ()		Place of Birth (City, State) ALBUQUERQUE, NM		Citizenship US			
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	
Parent Legal Custodian Other: ()		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 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 355-2528) informed of any change of address. ☐ Yes, by: (Name) ☐ No: (Reason)		School Attended ()		Grade ()							
Property Crime? ☐ Yes ☐ No		Description of Property ()		Value of Property ()							
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 Description DRIVING UNDER THE INFLUENCE		Counts 1		Domestic Violence ☐ Y ☒ N		Statute Violation Number 316.193(1)		Violation of ORD # ()			
Drug Activity N		Drug Type N		Amount / Unit ()		Offense # ()		Warrant / Capias Number ()		Bond ()	
Charge Description ()		Counts ()		Domestic Violence ☐ Y ☒ N		Statute Violation Number ()		Violation of ORD # ()			
Drug Activity ()		Drug Type ()		Amount / Unit ()		Offense # ()		Warrant / Capias Number ()		Bond ()	
Charge Description ()		Counts ()		Domestic Violence ☐ Y ☒ N		Statute Violation Number ()		Violation of ORD # ()			
Drug Activity ()		Drug Type ()		Amount / Unit ()		Offense # ()		Warrant / Capias Number ()		Bond ()	
Charge Description ()		Counts ()		Domestic Violence ☐ Y ☒ N		Statute Violation Number ()		Violation of ORD # ()			
Drug Activity ()		Drug Type ()		Amount / Unit ()		Offense # ()		Warrant / Capias Number ()		Bond ()	
Location / Court Name, Address NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700											
Court Date and Time Month JANUARY Day 8 Year 2020 Time 10:00 AM ☒ PM ☐											
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 12/03/2019											
Signature of Defendant (or Juvenile and Parent / Custodian) ()											
Date Signed ()											
HOLD for other Agency Name: ()		Signature of Arresting Officer ()		Name Verification (Printed by Arrestee) ()		Name Verification (Printed by Arrestee) DEC 3 AM 8:16		(PRINT)		PAGE 1 OF 1	
☐ Dangerous ~ ☐ Resisted Arrest ☐ Suicidal ☐ Other		Name of Arresting Officer (Print) Ofc. ANDREW FLINK		I.D. # 514		Transporting Officer ANDREW FLINK		I.D. # 514		Agency PBPGD	
Intake Deputy DS 602 7600		I.D. # ()		Pouch # ()		Witness here if subject signed with an "X"					

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (N.T.A. ONLY)

0492870 / 1531

DEC 03 2019

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 3RD DAY OF DECEMBER 20 19, AT 0119 ☒ AM ☐ PM

SUBJECT: GARLAND, TIMOTHY, SEAN CASE NUMBER: 19007073

AGENCY: PALM BEACH GARDENS POLICE DEPT. ARRESTING OFFICER: Ofc. ANDREW FLINK 514

PERSONAL CONTACT

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

While driving east bound on Northlake Blvd from Sandtree Dr in Palm Beach Gardens, FL, I conducted an FCIC/NCIC check of a Honda (GSAE44/FL) in the outside through lane. The registered owner showed as Timothy Garland (SU), whose Florida Driver License was suspended on 12/02/2016 and again for two counts on 06/25/2019. I accessed the FL DL photo of Garland while I was pulled up next to the vehicle at a red light. I was able to positively identify Garland as the driver of the vehicle. I entered the lane behind Garland just west of MacArthur Blvd. I activated my overhead red and blue lights to initiate a traffic stop on the vehicle. The vehicle then entered the center through lane and stopped at a red light for Congress Av. Once the light turned green, the vehicle continued straight while my overhead lights were still illuminated. I then activated the audible siren. The vehicle pulled over in a plaza located in the 2900 block of Northlake Blvd. I made contact with Garland while he was still in the driver seat of the vehicle while it was on and running. Garland was the sole occupant.

OBSERVATION OF DRIVER:

Garland had bloodshot, watery eyes, flushed red face and was fumbling with the paperwork I requested. While speaking with Garland, I detected the odor of an unknown alcoholic beverage. Garland claimed the odor was from something in the vehicle which he spilled on himself. I did notice the odor would increase in intensity as Garland spoke with me. Upon exiting the vehicle, Garland would sway when standing up straight.

DRIVER'S STATEMENTS:

Garland said he was coming from his place of employment in Jupiter. Garland further stated he had not consumed any alcoholic beverages on this evening.

ODORS:

Unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: Normal

ATTITUDE: Compliant, upset

CLOTHING: White shirt, black pants, black shoes

MEDICAL/OTHER: None

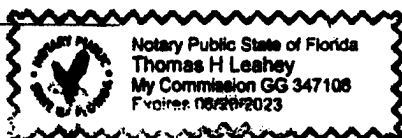
STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 3rd day of December 20 19 by Ofc. ANDREW FLINK

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

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



SCANNED
DEC 03 2019

SUBJECT: GARLAND, TIMOTHY, SEAN

CASE NUMBER 19007073

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|---|---|
| ☒ LT EYE-LACK OF SMOOTH PURSUIT | ☒ RT EYE-LACK OF SMOOTH PURSUIT |
| ☒ 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 |

Other Observations:

Vertical Gaze Nystagmus observed. Garland was swaying while standing up straight.

WALK & TURN:

During the instructional phase, Garland stepped off the line twice. During the exercise, Garland stepped off the line and missed heel-to-toe on the sixth step. On the second set of steps, Garland stepped off the line and missed heel-to-toe on the second step. On the fourth step, Garland leaned to his left and placed his hand on his vehicle to assist with balancing. Garland stepped off the line on the seventh step and missed heel-to-toe. For the duration of most of the exercise, Garland raised his arms more than six inches from his sides.

ONE LEG STAND:

During the exercise, Garland hopped twice then put his foot down. Garland put his foot down four more times prior to being told to do so. Garland also swayed during the majority of the exercise and also raised his arms more than six inches from his sides.

ROMBERG ALPHABET:

Not conducted

FINGER TO NOSE:

Not conducted

BREATH TEST RESULTS: 1) REF 2) REF 3) - 4) -

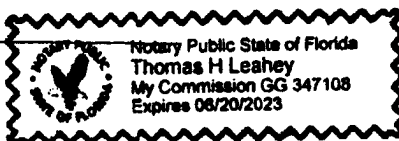
STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 3rd day of December, 2019, by Off. ANDREW FLINK

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

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



SCANNED
DEC. 03 2019

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

I, Ofc. ANDREW FLINK, a duly certified Law Enforcement Officer or Correctional Officer,
 (Name of Officer reading Implied Consent Warning)

am a member of Palm Beach Gardens Police Department, and I do swear
 (Name of law enforcement agency)

or affirm that on or about the 3RD day of DECEMBER, 20 19, at 01:29 ☐ P.M. ☒ A.M.

DRIVER TIMOTHY SEAN GARLAND
 (Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

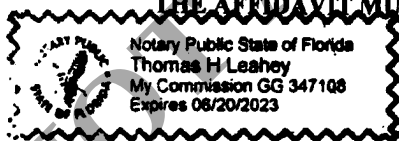
DL# G645817870430, state of FL, was placed under lawful arrest for
 the offense of DRIVING UNDER THE INFLUENCE by Ofc. ANDREW FLINK and
 issued Citation # A56H5PE
 (Name of Arresting Officer)

That on or about the 3RD day of DECEMBER, 20 19, at 0214 ☐ 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]
 Signature of Law Enforcement Officer or
 Correctional Officer

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



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before

me this 3rd day of December, 20 19,

by Ofc. ANDREW FLINK,

who is personally known to me or who has produced

Personally Known as identification

Notary Public [Signature]

HSMV-BAR1001 (REV. 10/2016)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date 12/03/2019

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.

SCANNED
 DEC 03 2019



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

PBSO CASE # 19-143861 PBSO ZONE 3-13

AGENCY CASE # 19007073 CRASH CASE # _____

TIME OF STOP/CRASH 0119 DATE 12/03/2019 DAY TUESDAY

SUBJECT'S NAME GARLAND TIMOTHY SEAN RACE W SEX M
LAST FIRST MID

HGT 5'10 WGT 180 DOB 02/03/1987

LOCATION NORTHLAKE BLVD/MACARTHUR BLVD, PBG, FL

ARRESTING OFFICER'S NAME & ID Ofc. ANDREW FLINK 514 AGENCY PBGPD

DIVISION: ROAD PATROL

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 0150

ARREST TIME 01:29

BREATH RESULTS:

1) REFUSED
3) _____
4) _____

BREATH TEST OPERATOR: 19183

RECEIVED
DEC 03 2019

TESTING FACILITY TASK REPORT

AGENCY: PBB
 SUBJECT: Gawland, Timothy S
 CASE NUMBER: 19-143861
 DATE: 12/03/19
 VIDEO TAPE NUMBER: N/A
 BEGINNING TIME: 02:13
 ENDING TIME: 02:19
 BREATH TESTS RESULTS: 1) R TIME 02:14 M/P.M. 2) N/A TIME — —/P.M.
 3) N/A TIME — —/P.M. 4) N/A TIME — —/P.M.
 BREATH OPERATOR: T. Leahy #19183
 MAINTENANCE TECHNICIAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Thick, slurred
 ATTITUDE: Upset, crying, cooperative
 CLOTHING: black pants, chef jacket, black sneakers (white laces)
 MEDICAL CONDITIONS: depression
 MEDICATIONS: Zoloft, buspar, clonazepam
 OTHER: eyes glassy + bloodshot
odor of unknown alcoholic beverage on breath

REFUSED

COMMENTS: arrived at center A/O conducted 20 minute
observation period at 01:50 hrs

A refused to perform breath test

A/O read I/c + A stated he understood I/c

A refused to perform breath test

REFUSED

A/O read rights + A stated he understood rights

A/O conducted Q+A

A answered questions

SCANNED
 DEC 03 2019



**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	☐	782.04 (FS)	Other: Witness	
	☐	119.071(2)(j)	Other: Marsy's Law	

REVIEW COMPLETED BY

Booking Number: 2019038614	Date: 12/3/2019
	Specialist Name/ID: M. Tooko #8557

PLANNED
DEC 03 2019