

**7th. Judicial Circuit 707**  
**Charging Affidavit - Flagler**

Arrest # \_\_\_\_\_

Bk # 11-0723

Pg #1 of 2

<b>ARREST <input checked="" type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input type="checkbox"/> C.C. <input type="checkbox"/></b>				<b>ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/></b>				Court Case Number: _____	
(ORI) FL: 0   1   8   0   0   0   0				Agency Name: <b>Flagler County Sheriff's Office</b>				Agency Case Number: <b>16415-11</b>	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				OBTS# <u>1801032472</u>		UCR: _____		Date Arrested: <b>03-12-11</b>	
ADDRESS OF ARREST: <b>Chestnut Ave at Avocado Blvd</b>						Arrested By: <b>Sgt. A. Biss</b>		ID Number: <b>38</b>	
<b>DEFENDANT</b>		Name (L,F,M): <b>Smith, Brett Ronald</b>				A.K.A.: _____		Sex: <b>M</b> Race: <b>W</b>	
DOB: <b>05-22-80</b>		Age: <b>52</b>		Driver's Lic/ID No.: <b>S530-076-80-182-0</b>		State: <b>FL</b>		Year Expires: <b>2012</b>	
Height: <b>6-02</b>		Weight: <b>170</b>		Hair: <b>bro</b>		Eyes: <b>bro</b>		POB (City, St, Country): <b>Palatka, FL</b>	
Scars, Marks, Tattoos: <b>tatt: rt shoulder of a dragon</b>				Business & Occupation: <b>law enforcement</b>				Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Probation: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		English: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Deaf/Mute: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Address-Mailing/Permanent (STREET, APT. NUMBER) _____ (CITY) _____ (STATE) _____ ZIPCODE _____				RESIDENCE PHONE _____					
Address-Local (STREET, APT. NUMBER) _____ (CITY) _____ (STATE) _____ ZIPCODE _____				RESIDENCE PHONE _____					
Address-Other(Employer/School) (STREET, APT. NUMBER) _____ (CITY) _____ (STATE) _____ ZIPCODE _____				BUS/SCHOOL PHONE _____					
<b>CHARGES</b>				DOMESTIC VIOLENCE? YES <input type="checkbox"/>				Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DUI <input checked="" type="checkbox"/>	
#1 Charge: <b>DUI</b>		FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input checked="" type="checkbox"/>		FS/ORD: <b>316.193</b>		Citation No.: <b>4914-XCO</b>		Bond: <b>350.00</b>	
#2 Charge: _____		FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: _____		Citation No.: _____		Bond: _____	
#3 Charge: _____		FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: _____		Citation No.: _____		Bond: _____	
<b>CO-DEFENDANT</b>		Co-Def #1. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd. <input type="checkbox"/> Traf. <input type="checkbox"/> Ord. <input type="checkbox"/> NTA <input type="checkbox"/>				Co-Def #2. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd. <input type="checkbox"/> Traf. <input type="checkbox"/> Ord. <input type="checkbox"/> NTA <input type="checkbox"/>			
#1 NAME(L,F,M): _____				Race: _____		Sex: _____		DOB: _____	
#2 NAME(L,F,M): _____				Race: _____		Sex: _____		DOB: _____	
<b>NARRATIVE</b>									
<p>The undersigned certifies and swears that there is probable cause to believe the above named defendant, on the <u>12</u> day of <u>March</u>, <u>2011</u>, at approximately <u>537</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m. at <u>Chestnut Ave at Avocado Blvd</u> within <u>Flagler</u> County, violated the law and did then and there:</p> <p>Def was observed by Deputy Prevatt in actual physical control of a grey 98 Jeep 4 door bearing FL tag# L882IB towing a trailer bearing FL tag #G862ZF while under the influence of alcohol or controlled substances. Deputy Prevatt advised me she was called to the scene for a person unresponsive behind the wheel possibly in need of medical assistance. Deputy Prevatt advised me she observed def. in the driver's seat passed out with his head leaning against the window and propped up with his arm. Deputy Prevatt tried to speak to def to ask if he's ok but he wouldn't respond. Deputy Prevatt had to shake def's arm to awaken him. Deputy Prevatt stated she smelled the odor of alcohol on def's person and observed his eyes to be bloodshot. When def. exited his vehicle he was unsteady on his feet. Deputy Prevatt requested a supervisor. Cpl. Fink then requested I respond. Upon my making contact with def. he was standing outside the vehicle. I observed him to sway while standing. I observed def's eyes to be blood shot and glossy. Def's speech was slurred and thick tongued. While speaking to def. I smelled a moderate odor of alcohol on his breath. I told def that I was conducting a criminal investigation for DUI and asked him to perform field sobriety exercises. He voluntarily complied. I asked def to perform the following exercises which he did: Horizontal Gaze Nystagmus: Def swayed while standing, def had a lack of smooth pursuit in both eyes and onset of nystagmus prior to 45 degrees in both eyes. Def had to be reminded to keep his head still and follow my pen with his eyes only. Walk and turn: touched heel to toe the first 9 steps and the last 9 steps. Def failed to watch his feet as instructed.</p>									
<b>NOTICE TO APPEAR</b>		MANDATORY APPEARANCE <input type="checkbox"/>		YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>				FINE, AND COSTS AMOUNT: _____	
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.									
SIGNATURE OF DEFENDANT		DATE		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN				Juve Disp. CITATION No. <b>I/M FILE</b>	
Sworn to and subscribed before me, the undersigned This <u>March</u> day of <u>12</u> , <u>2011</u> .		I swear/affirm the above statements are correct and true.				Rt Thumb			
Name: <u>Virginia #500</u>		OFFICER'S/COMPLAINANT'S SIGNATURE				<b>SCANNED</b>			
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification: _____		NAME(PRINTED) <b>Sgt. A. Biss</b>		ID NUMBER <b>38</b>					
<b>OFFICIAL USE ONLY</b>		Inmate Number & facility: _____							

707 - COURT COPY

# Narrative 707-B Supplement

☒ Arrest  
☐ Affidavit  
☐ Notice to Appear

☒ Adult  
☐ Juvenile

Court Case  
Number:

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Defendant Name: Smith, Brett Ronald

Agency Case Number: 16415-11

CHARGES		DOMESTIC VIOLENCE?	YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>		Total Charges: 1
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:	
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:	
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:	

One leg stand: Def swayed while standing. He cleared an area in the dirt to help with balance. Def. repeated count 1015 and counted to 1032 before I stopped him. He was instructed to stop at 1030.

Finger to nose: Def swayed while standing. Def otherwise performed as instructed.

Rhomberg with recitation: Def swayed while standing. Def began to rush the alphabet.

Def was then arrested for DUI and transported to FCIF for the Breath test. I read Implied consent at 735 pm and asked def to provide a breath sample for the Intoxylizer 8000. Def refused to provide a breath sample. I read the Implied Consent warnings which advised of D.L. suspension and criminal sanctions for future refusals. Def again refused to provide a breath sample.

A search of def's vehicle incident to arrest revealed an open but empty 12 ounce bottle of Bud Lite lime behind the front passenger seat on top of some clothing. The bottle still had a small amount of liquid inside it. In def's right front pocket I found a bottle cap for Bud Lite lime. Behind the rear passenger seat I found an open case of Bud Light lime. A receipt dated today after 1pm was found inside the case. Several bottles were missing.

Def was issued UTC #4914-XCO and TOT'd FCIF.

End report.

Sworn to and subscribed before me, the undersigned, this <u>12</u> day of <u>MARCH</u> , 2011.	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>[Signature]</u>	<u>[Signature]</u> OFFICER'S/COMPLAINANT'S SIGNATURE	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME(PRINTED) <u>A - BISS</u>	ID NUMBER <u>38</u>
Type of Identification:		

707-B - COURT COPY