

2008 MM009157SC

PROBABLE CAUSE AFFIDAVIT
Sarasota County

Affix label here

AGENCY SSO SPD FHP VPD NPPD LBPD OTHER

ORIGINAL
 SUPPLEMENTAL

SSO CASE # _____ SSO BK# 08-9285 OBTS # 250203178 ARREST # _____
AGENCY CASE # 08-101208 SAO # _____ FDLE # _____ UTC # _____

ADULT - ARREST WITH WARRANT WITHOUT WARRANT NON ARREST COMPLAINT
JUVENILE ARRESTED / DETAINED ARRESTED / RELEASED WITH REFERRAL NON-ARREST REFERRAL TEEN COURT REFERRAL
DEFENDANT (LAST, FIRST, MIDDLE INITIAL) Rose, Joshua, P ALIAS N
DOB 08-14-79 AGE 28 SEX M M RACE W W HGT 6-01 WGT 250 COLOR HAIR Bro COLOR EYES Blu
ADDRESS East Baffen Street Venice, FL 34293
PHONE # 941-615- SCARS/MARKS/TATTOOS None
DL# R200 ST FL CITY Sarasota, FL STATE FL ZIP 34208
OCCUPATION Auto-Detailer EMPLOYER _____
EMPLOYER ADDRESS _____ PHONE # _____
CITIZENSHIP 1 IMMIGRATION STATUS 1 2 RESIDENCE TYPE 1 2 RESIDENCE STATUS 1 2 3 INF. JUDGE OF DEPT. OF ALGERIA

DATE & TIME OF CRIME 05-27-08 1303 CRIME LOCATION 100 N. Esplanade LOC TYPE Tal 26 ZONE 3 GRID
F.S./ORD # 316.193(1) CHARGE Dui FELONY MISD BOND 500
F.S./ORD # 790.01 CHARGE Carrying A Concealed Weapons FELONY MISD BOND 1000
INVESTIGATING L.E.O. Frassetti ID# 335
DRUG UNIT 1. GRAM 3. KILOGRAM 5. POUND 7. LITR 9. DOSE/UNIT ITEM N
2. MILLIGRAM 4. OUNCE 6. TON 8. MILLILITER
DRUG TYPE E. HEROIN M. MARIJUANA J. UNKNOWN N. NA DRUG ACTIVITY M. MANUFACT P. POSSESS T. TRAFFIC
1. HALLUCINOGEN A. AMPHETAMINE Z. OTHER N 3. SELL B. BUY K. DISTRB
C. COCAINE O. COCAINE DERIV D. BARBITURATE P. PARAPHERNALIA N F. USE U. UNK R. SMUGGLE N
C. COCAINE S. SYNTHETIC EDU?MBENT
TYPE WEAPON 00 N/A 01. UNK FIREARM 04. POISON 12. SH. WEAPON 13. CALIBR GALGE N FINISH WEAPON
01. HANDGUN 05. KNIFE/CUTTING 08. EXPLOSIVES 13. DRUGS 00 N B. BLUE S. SILVER O. OTHER N
SEIZED YES NO 02. RIFLE 06. BLUNT OBJECT 10. FIRE/INCENDIARY 08. UNKNOWN 01. THREAT/INTIMID 02. OTHER

DATE & TIME OF ARREST 05-27-08 1303 ARREST L.E.O./ID# Frassetti 335 ASST L.E.O./ID#
ARREST LOCATION 100 N Esplanade ZONE 3 GRID
CAPIAS/WARRANT # COUNTY & STATE OF WARRANT N
DATE BOOKED 05-28-08 TIME BOOKED 1153 RETURNABLE DATE 6-17-08 BOOKING OFFICER Swat 2241
RELEASED BY _____ RELEASED TO _____ DATE/TIME RELEASED _____

VICTIM NAME (LAST, FIRST, MIDDLE INITIAL) State Of Florida HOME PHONE # N
ADDRESS CITY STATE ZIP BUS PHONE # N
DOB AGE SEX RACI NO



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DEFENDANT Rose, Joshua, P	SSO BK # <u>08-9285</u>	AGENCY CASE # 08-101208
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ADULT CASE

JUVENILE CASE

DRIVING AND / OR CRASH SCENE OBSERVATIONS
(DESCRIBE IN DETAIL THE DRIVING AND / OR CRASH SCENE THAT YOU OBSERVED)

The driver, Joshua Rose was observed on the East-West Venice Ave. Bridge (a no passing zone), passing on the wrong side of the bridge. I further observed the driver driving in a reckless manor on West Venice Ave., as he was driving in and out of traffic lanes, without regards for persons in the crosswalk.

DRIVER OBSERVATIONS
(DESCRIBE YOUR OBSERVATIONS OF THE DRIVER, i.e., ODOR OF ALCOHOL, POOR BALANCE, ETC.)

Upon approach of the driver at initial contact, I observed several empty Natural Light Beer cans. When I asked the driver for his license he handed me a credit card. Upon speaking to the driver an odor of alcohol omitted from his breath. I asked the driver to exit the vehicle, when he did he could not maintain his balance, he leaned on his car twice to maintain his balance.

DRIVER STATEMENTS
(LIST ANY STATEMENTS THAT THE DEFENDANT MADE AT THE SCENE, WHILE BEING TRANSPORTED OR AT THE JAIL, SPECIFY IF IT WAS SPONTANEOUS OR POST MIRANDA)

Post Miranda, at the scene of car stop, the driver stated he had drank 1 16oz. "nattie light," beer. When the driver was asked to submit a breath test at the jail he stated, "no, why should I, I already failed the other tests." While I was giving the driver his FST's, he continually stated he had to 'pee."

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DEFENDANT Rose, Joshua, P.	SSO BK # 08-9285	AGENCY CASE # 08-101208
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ADULT CASE JUVENILE CASE

STANDARDIZED FIELD SOBRIETY TESTS
(LIST THE STANDARDIZED CLUES THAT YOU OBSERVED FOR EACH OF THE F.S.T.'S GIVEN, IF TEST(S) WERE NOT PERFORMED, EXPLAIN WHY)

STANDARD FIELD SOBRIETY TEST CLUES			
<p>HORIZONTAL GAZE NYSTAGMUS</p> <ul style="list-style-type: none"> • LACK SMOOTH PURSUIT IN LEFT EYE • LACK SMOOTH PURSUIT IN RIGHT EYE • MAXIMUM DEVIATION IN LEFT EYE • MAXIMUM DEVIATION IN RIGHT EYE • ONSET BEFORE 45 DEGREE LEFT EYE • ONSET BEFORE 45 DEGREE RIGHT EYE 	<p>WALK AND TURN</p> <ul style="list-style-type: none"> • CAN'T MAINTAIN BALANCE DURING INSTRUCTIONS • STARTS BEFORE INSTRUCTIONS ARE FINISHED • STOPS WALKING TO STEADY SELF • DOES NOT TOUCH HEEL TO TOE • STEPS OFF THE LINE • USES ARMS TO BALANCE • TURNS INCORRECTLY / LOSTS BALANCE ON TURN • INCORRECT NUMBER OF STEPS 	<p>ONE LEG STAND</p> <ul style="list-style-type: none"> • SWAYS WHILE BALANCING • USES ARMS TO BALANCE • HOPPING • PUTS FOOT DOWN <p>FINGER TO NOSE</p> <ul style="list-style-type: none"> • EYES DO NOT MOVE • EYES DO NOT REMAIN CLOSED • FAILS TO POINT FORWARD • DOES NOT TOUCH TIP OF NOSE WITH TIP OF INDEX FINGER • USES WRONG HAND FOR TEST 	<p>BALANCE / ALPHABET OR COUNTING</p> <ul style="list-style-type: none"> • EYES DO NOT REMAIN CLOSED • SWAYS WHILE BALANCING • USE ARMS FOR BALANCE • INCORRECTLY RECITES ALPHABET OR NUMBER

HORIZONTAL GAZE NYSTAGMUS:

Lack of smooth pursuit in left/ right eyes. Maximum deviation in left/ right eyes. Onset before 45 degrees left/ right eyes.

WALK AND TURN:

Driver could not stand heel to toe while instructions were explained, could not maintain balance during instructions. Could not keep balance once exercise was started. Stopped walking on step 4-5, 8-9, and 1-2 on 8-9 on the way back. Stepped off line with left foot while turning. Took 10 steps on the way back.

ONE LEG STAND:

Subject swayed while balancing, used his arms to steady himself, placed his foot down several times, did not look at his foot while counting.

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DEFENDANT Rosa, Joshua, P.	SSO BK # <u>08-9785</u>	AGENCY CASE # 08101208
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ADULT CASE JUVENILE CASE

SUPPLEMENTAL FIELD SOBRIETY TESTS

FINGER - TO - NOSE:

Not performed.

BALANCE / ALPHABET OR COUNTING:

Not performed.

IMPLIED CONSENT WARNING

(USE THE ORIGINAL IMPLIED CONSENT WARNING FORM IN THE BREATH INTOXILYZER ROOM)

See the Original Implied Consent Warning Form. (The Implied Consent Form *Must* be signed by the Defendant)

BREATH TEST INFORMATION

INTOXILYZER OPERATOR _____ ID# _____ AGENCY _____

BREATH TESTING LOCATION Sarasota County South Jail. INTOXILYZER SERIAL # 80-001723

IF REFUSED, AFTER MIRANDA, ASK WHY? stated, "I already failed the other tests."

DID DEFENDANT REQUEST AN INDEPENDENT BLOOD OR URINE TEST "AFTER" THE BREATH TEST? YES NO

DID DEFENDANT REQUEST TO CONSULT WITH AN ATTORNEY BEFORE SUBMITTING TO A BLOOD OR URINE TEST? YES NO

CLOTHING OBSERVATION
(DESCRIBE YOUR OBSERVATIONS)

SHIRT blue/green tshirt COAT/SWEATER/JACKET _____ PANTS/DRESS kahki shorts

SHOES (TYPE/COLOR) white sneakers WERE SHOES REMOVED FOR FIELD SOBRIETY TEST? YES NO

COMMENTS (DESCRIBE CLOTHING CONDITION, I.e., DISORDERLY, SOILED, ECT.) clothing appeared dirty

OTHER OBSERVATIONS

DOES THE DEFENDANT WEAR GLASSES? YES NO CONTACTS? YES NO COMMENTS: N

WERE DEFENDANT'S EYES: BLOODSHOT? YES NO WATERY? YES NO DILATED? YES NO

FACE Normal ATTITUDE Cooperative SPEECH Slurred

UNUSUAL ACTIONS: _____

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DEFENDANT <u>Rose, Joshua, P.</u>	SSO BK # <u>08-9285</u>	AGENCY CASE # <u>08-101208</u>
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ADULT CASE JUVENILE CASE

INTERVIEW QUESTIONS

MIRANDA WARNING READ:	DATE: <u>05-27-2008</u>	TIME: <u>1310</u>	MIRANDA READ BY: <u>P.O. Frassetti #335</u>	INTERVIEWED BY: <u>P.O. Frassetti #335</u>
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Have you been drinking? yes What? 16oz. Natural Ligh How much? 1 Where? Missy's house
With whom? missy Time started? 1:15 Time stopped? 1:30 When did you last eat? last
What did you have? tacos Where? at home Where you operating a vehicle? yes
Where were you going? venice beach What roadway were you on when you were stopped? Venica ave.
Direction of travel? north Where did you start from? missy's house What time did you start? 1:50
What time do you think it is now? unknown What is today's date? 27th Day of the week? tuesday
(Actual time: 1430 Date: 5-27-08 Day: tuesday What County or City or you in right now? sarasota
Do you really think you should have been driving? yes Why? I normally don't drink

Prior to being stopped, what have you been doing for the three hours? unsure?

Can you feel the effects of the Alcohol (or Drug)? No Do you feel buzzed? No Tired or sleep? yes Have you ever
Considered using a designated driver? yes Why didn't you use one? I didn't think

Do you feel you are functioning at 100% capacity yes Do you feel you are impaired? no How much do you think your normal
faculties are impaired? no answer? Was the vehicle your were operating in good condition? yes What's wrong with
it? _____

How much do you consume on a weekly basis? none Do you have any phys cal
defects? No What? _____ Do you have false teeth? no Are you under the current care of
a Doctor or Dentist? No For what? _____ Doctor's name? _____

Do you have Epilepsy? No Diabetes? No Are you taken any type of medication? No What? _____
Last dose? _____ Have you taken any type of drugs today? No What? _____ When did you last
sleep? last night How many hours? 4 Where you involved in an accident today? No Where you injured? _____

Describe? _____ Have you had any Alcohol since the accident? _____ What? _____ How much? _____
Where? _____ When? _____ Do you wish to place the blame on anyone other than yourself for your
actions tonight/today? No Who? _____ Why? _____

If you could turn back the clock and change any of you decisions tonight/today, what would you change? I would not have jumped that car

SIGNATURE OF I.F.O. AFFRANT [Signature] I.D.# 335

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 27 DAY OF May, 2008

BY: WHO IS PERSONALLY KNOWN OR WHO PRODCE THE FOLLOWING IDENTIFICATION

SIGNATURE [Signature] I.E.O. NOTARY PRINT NAME Justin May #511

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SUPPLEMENTAL

DEFENDANT
Gutierrez, Jose Gonzalez

SSO BK #
08-9285

AGENCY CASE #
08-101123

JUVENILE CASE

NARRATIVE CONTINUATION
(USE THIS SECTION FOR ADDITIONAL CHANGES OR CONTINUATION NARRATIVES)

Joshua Rose was observed driving in a reckless manor, he had no concerns to other motorists, pedestrians and, other passengers inside his vehicle. Rose, the driver of a red 1987 Chevrolet was observed on the East-West Venice Ave Bridge (no passing zone), passing another motorist, on the side of oncoming traffic, nearly crashing head-on with another vehicle.

Rose did operate and was in physical control of a motor vehicle while under the influence of alcohol and/or controlled substance(s) to the extent that his normal faculties were impaired. The defendant/driver showed physical signs of alcohol and/or drug impairment to wit:

The vehicle operated by the defendant was, Chevrolet Camaro FL Tag 740KJV.

The defendant was stopped for, driving in a reckless manor.

Breath Alcohol test was refused.

Rose did have a brass knuckle, a concealed weapon in the front seat of his vehicle, covered by clothing articles. Post Miranda Rose admitted it was his. Rose stated he bought it at a flea market.

SIGNATURE OF L.E.O. AFFIANT

I.D.# 335

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 27 DAY OF May 2008

BY: WHO IS PERSONALLY KNOWN OR WHO PRODCE THE FOLLOWING IDENTIFICATION

SIGNATURE

L.E.O.

NOTARY

PRINT NAME

Justin May '587