

1024492



Arrest Report

FLORIDA HIGHWAY PATROL
3775 W. KING ST, COCOA, FL 32926

Report Date / Time 7/1/2018 2:33:00AM	Report Number FHP99ARR753555	Case Number/CAD Number FHPD18OFF065603 / ORCC18CAD075991	Reporting Officer Name C.M. JOSEPH
Originating Agency ORI FL0649000	Occurrence Date Time Range 6/30/2018 10:50:53 PM -	Jurisdiction	Clearance

Location of Occurrence

Location Type PUBLIC PLACE	Location Description INTERSTATE
Street Number E INTERSTATE 4 MM 118	Apt/Lot/Bldg
County VOLUSIA	City LAKE HELEN
State FL	Zip 32744

Defendant

First Name ZACHARY	Middle Name DAVID	Last Name DREILING	Suffix	Date Of Birth 7/8/1998	Age 19	Race WHITE	Sex MALE
SSN	MNI #	Place of Birth LONGWOOD, FL, US	Height 509	Weight 130	Hair BLD	Eyes BLU	
DL or ID Number	ID State FL	ID Type E	Address Type RESIDENCE				
Street Number 1574	Street MALALUKA DRIVE	Apt/Lot/Bldg					
County VOLUSIA	City	State FL	Zip 32725	Phone Number	Extension		
Location Description							

Arrest

Arrest Date/Time 7/1/2018 12:05:53AM	Arrest Location Type OTHER	Arrest Location Description OFF RAMP
Street Number E INTERSTATE 4 MM 129	Apt/Lot/Bldg	County VOLUSIA
City DAYTONA BEACH	State FL	Zip 32744

Charge(s)

Counts 1	Charge 893.13.6b	General Offense Code	Bond Amount \$ 500.00	<input type="checkbox"/> No Bond
Charge Degree F	Charge Level MISDEMEANOR	Arrest Offense Code Description MARIJUANA-POSSESS		
Charge Description NOT MORE THAN 20 GRAMS				
Counts 1	Charge 316.1935.2	General Offense Code	Bond Amount \$ 10,000.00	<input type="checkbox"/> No Bond
Charge Degree T	Charge Level FELONY	Arrest Offense Code Description RESIST OFFICER		
Charge Description FLEE ELUDE LEO WITH LIGHTS SIREN ACTIVE				
Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 2,000.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description DUI ALCOHOL OR DRUGS				

Report Date / Time 7/1/2018 2:33:00AM	Report Number FHP99ARR753555	Case Number/CAD Number FHPD18OFF065603 / ORCC18CAD075991	Reporting Officer Name C.M. JOSEPH
Originating Agency ORI FL0649000	Occurrence Date Time Range 6/30/2018 10:50:53 PM -	Jurisdiction	Clearance

Probable Cause

The Defendant; Zachary David Dreiling identified by Florida Driver's License () did drive or was in actual physical control of a vehicle, while under the influence of alcohol beverages or chemical substances as set forth in Florida Statute 877.111, or a control substance as set forth in Florida statute 893 or any combination thereof, and was effected to the extent that his normal faculties were impaired; or while having a blood breath alcohol level of .08 or higher, contrary to Florida Statute 316.193(1). And did willfully flee or attempt to elude a law enforcement officer in an authorized law enforcement patrol vehicle with agency insignia and other jurisdictional markings prominently displaying on the vehicle with siren and lights activated, contrary to Florida Statute 316.1935 (2) And was in possession of Marijuana under 20 Grams Contrary to Florida State Statute 893.13.6b.

Defendant Zachary David Dreiling, was the driver of a Red in color in color BMW 335i bearing Florida tag 6993VS, which was stopped for failure to Maintain single lane and modified exhaust.

The undersigned has probable cause to believe the above-named defendant at the above location and time in Volusia County was: The Driver of the above-mentioned vehicle stopped for failure to maintain single lane and an altered exhaust. On June 30th, 2018 at approximately 22:50 PM, I Trooper Joseph, was traveling Eastbound on Interstate 4 when I began to observe a red BMW in the right lane swerving and riding the right white line in the right lane of Interstate 4. I continued to observe the vehicle which continued to weave back and forth within the lane. As traffic was passing in the center lane I observed two vehicles "hugging" the left side of the center lane when passing the BMW to avoid the swerving vehicle. I continued to observe the vehicle and at about the 117 mile marker the vehicle accelerated from approximately 50 MPH to about 70 Miles per hour. When the vehicle accelerated I could hear a very loud exhaust louder than the vehicle was originally manufactured as. The constant weaving, riding the right solid line of the interstate and the random acceleration of the vehicle led me and Trooper B. Murphy who was riding along to believe the driver was impaired under the influence of alcohol and or drugs.

I then activated my lights and sirens at the 118 mile marker and the vehicle failed to pull over for me. I continued to follow the vehicle which continued to swerve in the right lane and onto the right shoulders continuing my suspicion of the driver driving under the influence. I then radioed dispatch and advised dispatch of the situation. The driver of the vehicle was making hand gestures outside through the driver's window which is also not normal. At approximately the 123 Mile Marker I pulled alongside the vehicle and yelled at the driver to pull over in which he did not comply. I continued to follow the vehicle which speeds varied from approximately 45 to 65 Miles Per hour. At approximately the 123 Mile Marker I noticed the rear left passenger empty out a baggy of hard substance out of the vehicle which I suspected to be a controlled substance. The crystal like or pill like substance bounced off the ground and I could hear it deflecting off the front of my patrol car like small pebbles hitting my vehicle. At the 125 Mile Marker a large amount of chunky green leafy substance was thrown out of the right side of the vehicle in which due to my training and experience I suspected to be Marijuana. Throughout the 11 miles the driver failed to stop there was a large paved median on both sides of the Interstate that were safe to stop.

I requested Volusia County Sheriffs office to set up stop sticks at the 129 Mile Marker. Due to the amount of occupants in the vehicle and I wanted to avoid a PIT and any injury to persons involved. The vehicle then exited at the 129 Mile Marker and a VCSO was unable to stop stick the vehicle. I then positioned my vehicle for a PIT before the off ramp elevated but was unsuccessful (Note: My vehicle did not come in contact with the BMW). I then decided to wait to PIT then car after the elevated off ramp to avoid unnecessary injury. After a failed PIT attempt the Driver of the vehicle finally stopped on the right shoulder of the US Hwy 92 on Ramp Eastbound Interstate 4 Mile Marker 129.

A felony stop was conducted and all passengers and the drivers were then detained separately. While clearing the car for any other occupants I could see in plain view chunks of green leafy substance on the back seat of the vehicle suspected to be Marijuana.

I then began to search the vehicle. I then field tested a small piece of green leafy substance found on the back seat, which tested positive for Marijuana. I then searched the vehicle and began collecting the chunks of Marijuana. A couple of chunks

Report Date / Time 7/1/2018 2:33:00AM	Report Number FHP99ARR753555	Case Number/CAD Number FHPD18OFF065603 / ORCC18CAD075991	Reporting Officer Name C.M. JOSEPH
Originating Agency ORI FL0649000	Occurrence Date Time Range 6/30/2018 10:50:53 PM -	Jurisdiction	Clearance

were found on the back seat and on the center rear floorboard. A half smoked blunt containing marijuana was found in the center cup holder area. More chunks of Marijuana were found on and wedged into the front right passenger seat and on the front right passenger seat floorboard. There was also found Marijuana on the front driver floorboard. A glass jar which commonly is used for storing Marijuana was found in the back floorboard with a Zip-lock bag inside containing residue of Marijuana. On the rear right seat, I found pulled corners of bags that were knotted which is consistent of the storage of a controlled substance. The Marijuana on the floorboard and the half smoked blunt were within reach of the driver.

I then read Miranda to the Driver of the vehicle from an agency approved card. While standing next to the driver I could smell the strong odor of fresh and burnt Marijuana emanating from him. I could not smell any alcohol while conversing with the driver. Post Miranda, the driver stated he didn't want to stop on the interstate because it wasn't safe. He further stated that he was smoking Marijuana earlier but hasn't been drinking.

I informed the Driver he was under arrest for Fleeing and Eluding a police officer and for possession of Marijuana.

I then transported the defendant to the Chevron gas station located on US Highway 92 and 4th Street to start paperwork and conduct a DUI investigation. When the driver was out of my vehicle I noticed there was Marijuana chunks attached to his boxers and inside his pants. I collected the items along with more marijuana found on the rear left passenger seat where the driver was located. I then informed the driver that I was going to begin a DUI investigation. I reminded the driver to keep his Miranda rights in mind and began questioning him. He began to advise me that he just got into an accident and had back problems and was currently under the care of a doctor but not any medication.

I then began Standardized Field Sobriety Exercises.

I began the first exercise with Horizontal Gaze Nystagmus. Mr. Dreiling has equal tracking, pupil size and no resting nystagmus.

- When I explained and demonstrated multiple times, he confirmed he understood.
- Lacked smooth pursuit
- When at maximum deviation, in both his left and right eye had Nystagmus.
- Vertical Nystagmus

Next I had Mr. Dreiling perform the Walk and Turn Exercise on a straight line marking a parking space. When explained and demonstrated multiple times, Mr. Dreiling confirmed she understood.

- Starting the test too early.
- Wouldn't stand in proper instruction position
- Cannot keep balance while listening to instruction
- Used arms to balance
- Took 15 steps forward and 11 steps back
- Incorrect turn

Next I had Mr. Dreiling perform the One Legged Stand on the same leveled ground.

- When explained and demonstrated, and he confirmed he understood.
- used his arms to balance
- put right foot down
- Did 10 counts on right foot then 10 counts on left foot
- Sways while balancing

I then had Mr. Dreiling perform the Finger to Nose.

- I explained and demonstrated, and he confirmed he understood.
- Eyes did not remain closed.
- Brings head forward

Report Date / Time 7/1/2018 2:33:00AM	Report Number FHP99ARR753555	Case Number/CAD Number FHPD18OFF065603 / ORCC18CAD075991	Reporting Officer Name C.M. JOSEPH
Originating Agency ORI FL0649000	Occurrence Date Time Range 6/30/2018 10:50:53 PM -	Jurisdiction	Clearance

- On first call of right hand touched upper lip and didn't correct to nose
- On second call of left touched left side of his nose and didn't correct to tip of nose
- On third call of left touched upper lip and didn't correct to nose
- On fifth call of right began with left hand then corrected to right hand and touched lip

The defendant was transported to the Deland station. Upon arrival, implied consent was read and the driver agreed to provide me a breath sample. The driver complied and 2:45 and 2:49 the defendant provided me a breath sample of 0.000. The driver then was asked to provide me a urine sample and he complied. Driver spontaneously uttered "You know I'll piss dirty". The driver provided me a urine sample at 2:56 AM. While providing a sample small flakes of Marijuana were still coming from his pants and falling in the toilet.

Defendant: Zachary David Dreiling (driver), was charged with Fleeing and Eluding officer with lights and sirens, possession of under 20 grams and for Driving under the influence of Alcohol (Citation A8ZRCME). And issued citations for operating with a modified exhaust system (Citation A8ZRCME) and Failure to Maintain Single lane (A8ZRCLE).

The Defendant Zachary David Dreiling was transported to Volusia County Branch Jail for processing.

The marijuana was weighed at approximately 2 grams.

The traffic stop and SFSE's were video recorded which will be uploaded to the FHP server. All contraband and evidence was seized and submitted to the FHP station as evidence.

Jail Booking Facility


Booking Date/Time	Booking County VOLUSIA	Booking Facility VOLUSIA COUNTY JAIL	Booking Facility Phone Number (386) 254-1555
Booking Facility Location 1300 RED JOHN ROAD, CALLER SERVICE BOX 2865 DAYTONA BEACH, FLORIDA 32120			Booking Number
Booking Comments			

Court

Court County VOLUSIA	Court Location 251 N. RIDGEWOOD AVE DAYTONA BEACH, FL 32114		
Court VOLUSIA COUNTY COURT (THE JUSTICE CENTER)	Court Phone (386) 257-6084	Court Appearance Date / Time	Court Fine
Comments TO BE SET			

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name C.M. JOSEPH	Officer Rank TROOPER	Officer ID No 3890	Sworn and subscribed before me, the undersigned authority This the ____ day of _____, DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature 			

Report Date / Time 7/1/2018 2:33:00AM	Report Number FHP99ARR753555	Case Number/CAD Number FHPD18OFF065603 / ORCC18CAD075991	Reporting Officer Name C.M. JOSEPH
Originating Agency ORI FL0649000	Occurrence Date Time Range 6/30/2018 10:50:53 PM -	Jurisdiction	Clearance

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
MURPHY, BRIAN	TROOPER	ASSISTING	8140	FHP AUX	FHP
BROWN, CODY	TROOPER	ASSISTING	4164	FHPD\ORCC\VOL USIA\PATROL ZONE 2	FLORIDA HIGHWAY PATROL