



FLORIDA DUI UNIFORM TRAFFIC CITATION **A34H2QE**

COUNTY OF **POLK (05)** (1) F.H.P. (2) P.D. (3) S.O. (4) OTHER

CITY (IF APPLICABLE) **HAINES CITY (46)** AGENCY NAME **HAINES CITY P.D.**

COMPLAINT (RETAINED BY COURT)

DAY OF WEEK **SAT** MONTH **05** DAY **04** YEAR **2019** TIME **08:55** AM PM

NAME (FIRST) **GARY** MIDDLE **WAYNE** LAST **ANDERSON**

STREET **2406 CITRUS BLVD**

CITY **HAINES CITY** STATE **FL** ZIP CODE **33844**

TELEPHONE NUMBER **(863) 547-7131** DATE OF BIRTH **03 01 51** RACE **W** SEX **M** HEIGHT **5-10**

DRIVER LICENSE NUMBER **A 5 3 6 2 9 9 5 1 0 8 1 0** STATE **FL** CLASS **E** COLL LICENSE YES NO YEAR LICENSE EXP **2081** COMMERCIAL VEHICLE YES NO

VEHICLE MAKE **CRAFTSMAN** STYLE **LAWN MOWER** COLOR **GRN** PLACED OR HAZARDOUS MATERIAL YES NO

VEHICLE LICENSE NO. **1100 HWY 17/92 N** MOTORCYCLE YES NO

UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, LOCALLY **HAINES CITY, FL** COMPANION CITATION(S) YES NO

BY _____ MILE H S E W OF HOCB _____

DID UNLAWFULLY COMMIT THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, CHEMICAL OR CONTROLLED SUBSTANCES, DID DRIVE, OR WAS IN ACTUAL PHYSICAL CONTROL OF A VEHICLE, WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE/CHEMICAL SUBSTANCE/CONTROLLED SUBSTANCE TO THE EXTENT NORMAL FACILITIES WERE IMPAIRED, OR WITH A BLOOD OR BREATH ALCOHOL LEVEL OF 03 OR ABOVE OF **REFUSED**

COMMENTS PERTAINING TO OFFENSE: **DUI 3RD VIOL MORE THAN 10 YRS (MISDEMEANOR)** BREATH BAC

AGGRESSIVE DRIVER PASSENGER 2 (1) YEARS SECTION **316.193 (2) (B) 2**

CRASH YES NO DAMAGE TO OTHER PROPERTY YES NO INJURY TO ANY OTHER PERSON YES NO PERIODICALLY QUALIFY TO REENTER STATE YES NO

THIS IS A CRIMINAL VIOLATION, COURT APPEARANCE REQUIRED, AS INDICATED BELOW

TO BE SET **A34H2QE**

COURT DATE _____ TIME _____

COURT AND LOCATION _____

ARREST DELIVERED TO **PCSO BOOKIN, BARTOW, FL** DATE **05/04/19**

I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND OBLIGATIONS SPECIFIED IN THIS CITATION UNLESS RETURNED TO ACCEPT AND SERVICE CITATION MAY RESULT IN ARREST. I UNDERSTAND MY FAILURE TO DO SO IS A VIOLATION OF COURT OR ORDER OF PROBATION. IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COURT.

SIGNATURE OF VIOLATOR *[Signature]*

EFFECTIVE IMMEDIATELY, YOUR DRIVING PRIVILEGE IS SUSPENDED/DISQUALIFIED FOR:

DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL. THIS SUSPENSION IS FOR A PERIOD OF SIX MONTHS IF THIS IS THE FIRST VIOLATION OR ONE YEAR IF PREVIOUSLY SUSPENDED FOR THIS OFFENSE. IF YOU HOLD A CDL OR YOU ARE OPERATING A CMV, YOUR COMMERCIAL DRIVER LICENSE/PRIVILEGE WILL ALSO BE DISQUALIFIED FOR ONE YEAR FOR THE FIRST OFFENSE OR PERMANENTLY DISQUALIFIED FOR A SUBSEQUENT OFFENSE.

REFUSAL TO SUBMIT TO LAWFUL BREATH, BLOOD OR URINE TEST SECTION 322.261, F.S. THIS SUSPENSION IS FOR A PERIOD OF ONE YEAR IF THIS IS A FIRST REFUSAL OR 18 MONTHS IF PREVIOUSLY SUSPENDED FOR THIS OFFENSE. IF YOU HOLD A CDL OR YOU ARE OPERATING A CMV, YOUR COMMERCIAL DRIVER LICENSE/PRIVILEGE WILL ALSO BE DISQUALIFIED FOR A PERIOD OF ONE YEAR FOR A FIRST REFUSAL OR PERMANENTLY DISQUALIFIED FOR A SUBSEQUENT REFUSAL.

LICENSE SURRENDERED? YES NO REASON **NOT LICENSED**

ELIGIBLE FOR PENALTY YES NO REASON **REFUSAL**

UNLESS INELIGIBLE THIS CITATION SHALL SERVE AS A TEMPORARY DRIVER LICENSE AND WILL EXPIRE AT MIDNIGHT ON THE 10TH DAY FOLLOWING THE DATE OF SUSPENSION

AT THE **TAMPA** BUREAU OF ADMINISTRATIVE REVIEWS OFFICE, YOU MAY REQUEST, WITHIN 18 DAYS AFTER THE DATE OF SUSPENSION, A REVIEW OF SUSPENSION BY THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES OR A REVIEW TO DETERMINE ELIGIBILITY FOR A RESTRICTED LICENSE IF THIS IS YOUR FIRST DUI RELATED OFFENSE. SEE REVERSE SIDE.

OFC. WILLIAM TUCKER H1065 PATROL

RANK - SIGNATURE OF OFFICER _____ BADGE NO. _____ ID. NO. _____ TICKET/FINEMENT _____

CASE NUMBER: 190001685

COMPLAINT

DATE	COURT ACTION AND OTHER ORDERS
	BAIL FIXED AT \$ _____ OR CASH DEPOSIT OF \$ _____
	SIGNATURE OF PERSON GIVING BAIL _____
	SIGNATURE OF PERSON TAKING BAIL _____
	FINE IN THE AMOUNT OF \$ _____ RECEIVED AS REQUIRED BY COURT SCHEDULE.
	SIGNATURE OF CLERK _____
	CONTINUANCE TO _____ REASON _____
	CONTINUANCE TO _____ REASON _____
	BOND ESTREATED _____
	WARRANT ISSUED _____
	VIOLATOR FAILED TO APPEAR-DRIVER LICENSE SUSPENDED
	VIOLATOR ARRAIGNED ON _____ (DATE PLEA: _____)
	FINDING: _____
	ADJUDICATION: _____
	SENTENCE: FINE _____ COST _____
	JAILED _____ DAYS
	DRIVER IMPROVEMENT SCHOOL _____
	OTHER _____
	DRIVER LICENSE SUSPENDED OR REVOKED FOR _____ DAYS
	RECOMMEND DRIVER LICENSE SUSPENSION FOR _____ DAYS
	RECOMMEND RE-TEST _____
	SIGNATURE OF JUDGE _____
	TESTIMONY -JUDGE'S NOTES (OR OTHER COURT ORDERS):
	APPEAL BOND OF \$ _____
	VIOLATOR'S FINGERPRINT WHEN APPLICABLE _____

19ct-3128WH



Agency ORI Number
FL0530900

City of Haines City

Haines City, FL

INCIDENT NUMBER
190001685

 JUVENILE X ADULT BOOKING # OBITS#

IN CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FL

SUBMITTING MEMBER TUCKER, WILLIAM MEMBER # H1065

DATE / TIME OF ARREST/INCIDENT 5/4/2019 19:28:00

LOCATION OF INCIDENT 1100 HWY 17 92 N HAINES CITY

 NOTICE TO APPEAR COMPLAINT AFFIDAVIT X ARREST REPORT

CITY OF City Limits Haines City, COUNTY OF POLK, STATE OF FLORIDA

RIGHT THUMB PRINT

THE UNDERSIGNED AFFIANT SWEARS SHE/HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT ON 05/04/19 AT

APPROXIMATELY 18:51:00 IN THE VICINITY OF HAINES CITY POLK COUNTY, FLORIDA

ANDERSON, GARY WAYNE ALIAS

LAST ANDERSON FIRST GARY MIDDLE WAYNE ADDRESS 2406 CITRUS BLVD E HAINES CITY, FL 33844 PHONE (863)547-7131

RACE/SEX W/M DOB 3/1/1951 HT 510 WT 160 EYE BRO HAIR GRY COMP BUILD

SPEECH SCARS POB HAINES CITY, FL MARITAL STATUS

DL# A536299510810 ST FL SS# OCCUPATION

EMPLOYER/SCHOOL PHONE

JUV-PARENTS PHONE n/a

NOTICE TO APPEAR/OF APPOINTMENT

I AGREE TO APPEAR IN COURT/JAC AT FLORIDA ON 20 AT AM/PM TO ANSWER THE CHARGE(S) IN THIS COMPLAINT OR TO PAY THE PRESCRIBED FINE FOR THIS OFFENSE. I UNDERSTAND THAT A WILFUL FAILURE TO APPEAR WILL RESULT IN A WARRANT FOR MY ARREST AND MAY BE A NEW OFFENSE (DO NOT BE LATE).

Defendant/Violators Signature Parent/Guardian Signature Date

COMMITTED THE OFFENSE(S) OF:

DUI Alcohol or Drugs 3rd Viol > 10 Yrs	FSS/FAC/CO	316.193(2)(B)2. Counts: 1	LEVEL/DEGREE	M1
Refuse to Submit DUI Test after Lic Susp	FSS/FAC/CO	316.1939(1). Counts: 1	LEVEL/DEGREE	M1

19ct 3125-WH
19ct 3128-WH



Agency ORI Number
FL0530900

City of Haines City

Haines City, FL

INCIDENT NUMBER
190001685

CO-DEFENDANT:

VICTIM/WITNESS:

Victim: STATE OF FLORIDA

N/A

PROBABLE CAUSE:

On 05/04/2019, at approximately 1909 hours, I, Officer Tucker H1065, responded to 1100 Highway 17/92 north, Haines City, Florida 33844, in order to conduct a DUI investigation on a white male, the identity of whom was confirmed by his Florida ID card to be Gary Wayne Anderson. Upon arrival, Sergeant Dublino H1024, advised me that Gary Wayne Anderson was observed driving a green riding lawnmower when he collided with the patrol vehicle of Officer Adams H540; see crash report number 201901685C and supplemental reports for HCPD case number 19-1685.

I observed Gary Wayne Anderson sitting on his green lawnmower which was parked behind Officer Adams' patrol vehicle. Gary Wayne Anderson had extremely bloodshot watery eyes, and appeared to have difficulty holding his head steady. Gary Wayne Anderson looked at me and stated, "Fuck it, I'm drunk; take me to jail." Gary Wayne Anderson's demeanor was very erratic; changing multiple times from very angry to joking.

When I stood in front of Gary Wayne Anderson in order to speak to him, I detected a strong odor of an alcoholic beverage. When Gary Wayne Anderson almost fell to the ground multiple times while walking and standing. Upon my request, Gary Wayne Anderson agreed to complete a battery of standardized field sobriety tests (SFST's), with the following results.

Horizontal Gaze Nystagmus (HGN):

Gary Wayne Anderson had equal pupil size and stated that he was not taking medication, and had not recently hit his head.

Gary Wayne Anderson swayed severely while standing.

Although HGN was distinctly observed in both eyes, I was not able to complete the test properly as Gary Wayne Anderson either moved his head or did not follow the stimulus at all. At one point, Gary Wayne Anderson's eyes started to close as if he were falling asleep.

Walk and Turn (WAT): Was not completed because Gary Wayne Anderson was in danger of falling.

One Leg Stand (OLS): Was not completed because Gary Wayne Anderson was in danger of falling.

Based on my investigation and Gary Wayne Anderson's spontaneous statements, probable cause was established to charge Gary Wayne Anderson driving under the influence of alcohol (DUI). Gary Wayne Anderson was advised of the charge and placed under arrest. Gary Wayne Anderson was transported to the Haines City Police Department (HCPD), where upon arrival he agreed to provide a sample of his breath in order to determine its alcohol content.

I administered the breath test via the Intoxilyzer 8000; for which I have received training and certification to use. Prior to the breath test Gary Wayne Anderson was observed from 1940 hours to 2004 hours in order to ensure that he did not regurgitate or place anything in his mouth.

When Gary Wayne Anderson was instructed to provide his first breath sample, he did not provide a sufficient volume of breath for a reliable sample. Based on my DUI investigation experience, Gary Wayne Anderson appeared to be attempting to deceive the Intoxilyzer by feigning his inability.

I attempted to read the implied consent warning to Gary Wayne Anderson; however, Gary Wayne Anderson spoke over me and stated that it didn't matter because he didn't have a license anyway.



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During the second attempt for a breath sample, Gary Wayne Anderson again did not supply a sufficient volume of breath. Each time the Intoxilyzer tone sounded, indicating that a sufficient sample was being provided, Gary Wayne Anderson appeared to decrease his volume. Upon completion, the two samples that Gary Wayne Anderson provided were 0.207 and 0.205; however, they were deemed volume not met.

During the post Miranda interview, Gary Wayne Anderson stated that he had consumed a pint of wine prior to the crash.

A criminal history check via Polk County Crime Information Center (CIC), confirmed that Gary Wayne Anderson had two prior DUI convictions; the first was in Polk County on 10/08/1980 and second was in Osceola County on 07/09/1987. Additionally, it was confirmed via FCIC/NCIC that Gary Wayne Anderson, had prior refusals to submit to a test of his breath, blood, or urine, on 07/03/1985 and 06/23/1986. Based on his confirmed prior refusals, Gary Wayne Anderson received an additional misdemeanor charge for refusal to submit to a law request for a sample of his breath. Gary Wayne Anderson's DUI charge was filed under Florida statute 316.193 (2) (B) 2, for a third offense over ten years.

Citations:

A34H2QE for DUI third offense over ten years.
A34H2RE for refusal to submit.

Gary Wayne Anderson was advised of both charges and transported to the Polk County jail for booking.

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS 5 DAY OF May 2019

This affidavit was electronically signed

DUBLINO, NICHOLAS H1024
DEPUTY CLERK/NOTARY PUBLIC/LEO

TUCKER, WILLIAM H1065
AFFIANT