

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

Arrest # \_\_\_\_\_ Bk # \_\_\_\_\_ Pg # 1 of 3

|   |  |  |  |
|---|--|--|--|
| ARREST <input type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input checked="" type="checkbox"/> C.C. <input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/> |  | Court Case Number:   |  |
| (ORI) FL: FL0641200   | Agency Name: PORT ORANGE POLICE DEPARTMENT   |  | Agency Case Number: 150007932  |
| FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  | OBTS #   | U.C.R.:  | Date Arrested:   |
| ADDRESS OF ARREST (Street, City, State, Zip):   |  | Arrested By:   | ID Number:   |
| <b>DEFENDANT</b>  | NAME (Last) Wilson   | (First) Randy  | (Middle) Lee   |
| DOB: 10-28-1967   | Age: 47  | Driver's Lic./ ID No.: W425732673880   | State: FL Year Expires: 2019 S.S.# -   |
| Height: 5' 09   | Weight: 270  | Hair: BLD  | Eyes: HAZ  |
| Scars, Marks, Tattoos: TAT LF ARM Cross   | P.O.B. (City, State, Country) Lapiere MI USA   |  | 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) 483 Leslie Drive  |  | (CITY) PORT ORANGE   | (STATE) FL ZIP CODE 32127 RESIDENCE PHONE (000) 000-0000                       |
| Address - Local (STREET, APT. NUMBER)   |  | (CITY)   | (STATE) ZIP CODE RESIDENCE PHONE   |
| Address - Other (Employer/School) (STREET, APT. NUMBER)   |  | (CITY)   | (STATE) ZIP CODE 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 type="checkbox"/> | Traffic Infraction(s) <input type="checkbox"/> | DUI <input checked="" type="checkbox"/> | Total Charges: 1 |
| #1 Charge: DUI | FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/> | FS/ORD: 316.193                                     | Citation No.: AOF2HQE                 | Bond: 500.00                          |                                 |  |   |                  |
| #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 (Last) (First) (Middle) | Race:   | Sex:  | DOB: | Age: |
| #2 NAME (Last) (First) (Middle) | Race:   | Sex:  | DOB: | Age: |

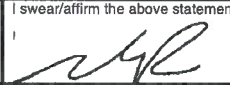
**NARRATIVE** The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 15 day of September, 2015, at approximately 1134  a.m.  p.m. at Spruce Creek/Laurie PORT ORANGE within Volusia County, violated the law and did then and there:

1 Proceeded to drive under the influence of alcoholic beverages or controlled substances. To wit:  
 2  
 3 On 09/15/2015, while traveling eastbound in the 500 block of Taylor Road. Officer Velez observed a Black Dodge Ram bearing Florida tag #BSZP39  
 4 (VIN#1B7HF16Z1TS636335) also traveling eastbound in front of his patrol vehicle. The driver was failing to maintain his lane. Officer Velez activated  
 5 his emergency lights after he turned northbound onto Spruce Creek Road from Taylor Road. The driver did not stop the vehicle until reaching Laurie  
 6 Ave and Spruce Creek Rd.  
 7  
 8 Ofc. Kortright and I arrived on scene.  
 9  
 10 Officer Velez contacted the driver, Randy Wilson, and asked for his driver's license after explaining the reason for the stop. Wilson fumbled through  
 11 his wallet and provided Ofc. Velez a credit card. Ofc. Velez advised Wilson that he was trying to hand him his credit card. Ofc. Velez also noticed  
 12 Wilson's eyes were drooping, bloodshot red and watery. After a few seconds, Ofc. Velez watched as Wilson continued to fumble with his wallet until  
 13 Wilson was able to locate and remove his Florida driver's license #W425732673880. Ofc. Velez then asked Wilson to turn the vehicle off. Wilson  
 14 complied and turned the vehicle off. After Ofc. Velez ran Wilson's and the passenger, Joshua Giles's, information through Central Dispatch, Ofc. Velez  
 15 returned to the vehicle and noticed Wilson and Giles were sleeping. Ofc. Velez knocked on the window and awoke both Giles and Wilson. Upon

|                         |   |  |                         |
|-------------------------|---|--|-------------------------|
| <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 | RELATIONSHIP TO JUVENILE | JUVE DISP.   |
|                        |      |                          | CITATION No. |

|   |   |          |
|---|---|----------|
| Sworn to and subscribed before me, the undersigned this <u>16</u> day of <u>September</u> , <u>2015</u> .<br>Name: <u>A Kortright 4242</u>  | I swear/affirm the above statements are correct and true<br><br>OFFICER'S/COMPLAINANT'S SIGNATURE<br>RAGON, MAIRA PO4165<br>NAME (PRINTED) ID NUMBER | Rt Thumb |
| Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/><br>Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/><br>Type of Identification: _____ |   |          |

**OFFICIAL USE ONLY** Inmate Number & Facility:

**Narrative Supplement 707-B**

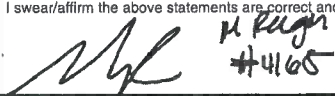

Arrest  
 Affidavit  
 Notice to Appear  
 Adult  
 Juvenile

**Court Case Number:**

|                               |               |              |                               |
|-------------------------------|---------------|--------------|-------------------------------|
| Defendant (Last) Name: Wilson | (First) Randy | (Middle) Lee | Agency Case Number: 150007932 |
|-------------------------------|---------------|--------------|-------------------------------|

| CHARGES | DOMESTIC VIOLENCE? Yes <input type="checkbox"/><br>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 |
|---------|--|
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| #       | Charge: _____ FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/><br>FS/ORD: _____ Citation No.: _____ Bond: _____   |

16 contacting Giles, Ofc. Velez observed a six pack of Shock Top beer with three full bottles and with three bottles missing from the six pack which was  
 17 located on the passenger side floor board of passenger seat.  
 18  
 19 Ofc. Velez re-contacted Wilson as he suspected Wilson was impaired. Officer Velez asked Wilson to exit the vehicle. Wilson exited the vehicle slowly  
 20 and leaned on his vehicle as he staggered while walking and swayed while standing.  
 21  
 22 Velez asked Wilson to submit to a series of Field Sobriety Exercises, Wilson agreed to attempt the exercises. The Field Sobriety Exercises were  
 23 videotaped by Officer Kortright and the videotape was submitted into POPD evidence. Wilson showed the following signs of impairment (see FSE  
 24 video and DUI Processing Form for further details):  
 25  
 26 Horizontal Gaze Nystagmus-Officer Velez observed lack of smooth pursuit, distinct and sustained Nystagmus at maximum deviation and onset of  
 27 Nystagmus prior to 45 degrees in both eyes. Wilson was unable to keep his head still and had to be reminded to follow, the stimulus with eyes only.  
 28  
 29 Walk and Turn- Wilson could not maintain balance during instructions, missed heel-to-toe, stepped off the line, took the incorrect amount of steps,  
 30 first by taking 21 steps forward, Wilson took 2 steps backward before turning around incorrectly and taking 14 steps back the opposite direction.  
 31  
 32 One Leg Stand- Wilson used arms to balance (raised more than 6 inches), put foot down three times, Wilson lost balance using his right leg and  
 33 switched to his left leg and did not lift his foot from the ground. The exercise had to be terminated for Wilson's safety.  
 34  
 35 Finger to Nose- missed finger to nose 3 times, used pad of index finger, touched his upper lip and the bridge of his nose instead of the tip of his nose.  
 36 Officer Velez observed eyelid tremors.  
 37  
 38 Based on the totality of Ofc. Velez's investigation, Wilson was placed under arrest for Driving Under the Influence and was asked to submit to a  
 39 breath test. Wilson refused to submit to a breath test and was read the Florida Implied Consent Warning. Wilson acknowledged that he understood  
 40 the warning and consented to a breath test the second time. Wilson was read the Miranda Warning and acknowledged that he understood.  
 41  
 42 Post Miranda, Wilson advised he takes Xanax every six hours and he had taken one, an hour and a half prior to him driving.  
 43  
 44 The vehicle was inventoried and towed by Universal towing service. No contraband was found and no damage was done to the vehicle. Photographs  
 45 of the truck were taken and submitted into POPD Evidence. Wilson was later transported to POPD.  
 46  
 47 After Ofc. Velez conducted a 20 minute observation period on Wilson, Ofc. Velez administered a breath test using the Intoxylizer 8000 (S/N  
 48 80-005402 ). The results of Wilson's breath test were as follows: 0.00 g/210L at 0005 hours and 0.000g/210L at 0008 hours. Based on Wilson's  
 49 breath test results, Ofc. Velez asked Wilson if he would provide a urine sample or blood draw. Wilson advised he would not. Ofc. Velez then read  
 50 Wilson the Florida Implied Consent and asked again if he would submit to a sample of his urine or blood. Wilson advised he would not do either as he  
 51 had already taken the breath test. (see Ofc. Velez's supplement report for further details)  
 52  
 53  
 54 Wilson was issued Florida DUI Citation #AOF2HQE for Driving Under the Influence and Florida UTC #A47H73E for the traffic violation.  
 55  
 56 Wilson has one prior conviction for DUI on 01/24/2003 from Port Orange Police.  
 57  
 58 While completing this Charging Affidavit, Wilson had a medical emergency and was transported to Daytona Halifax via EVAC (see case #15-7939 for  
 59 details).  
 60  
 61 Case closed.

|  |  |  |
|--|--|--|
| Sworn to and subscribed before me, the undersigned<br>this <u>16</u> day of <u>September</u> , 2015<br>Name: <u>A. Kortright 4242</u>  | I swear/affirm the above statements are correct and true<br><br>OFFICER'S/COMPLAINANT'S SIGNATURE<br>RAGON, MAIRA<br>NAME (PRINTED) | Right Thumb<br> |
| Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/><br>Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/><br>Type of Identification: | PO4165<br>ID NUMBER  |  |