

Orange County

ICJIS Arrest Affidavit

Division #:

Arrested  At-Large  JRA

Document #: 348614

Court Case #:

Document Date: 6/10/2011

Location of Defendant Vehicle: SECURED AT SCENE	Date-Time Booked: 06/10/2011 03:16:22	Agency Case Number: 2011-1934
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(ORI): FL0481400	Agency Name: UCF POLICE DEPARTMENT	FCIC/NCIC Check: <input checked="" type="checkbox"/>	Date-Time of Arrest: 06/10/2011 00:23
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Address of Arrest: 4000 CENTRAL FLORIDA BV ORLANDO, FL 32816

<b>DEFENDANT</b>	Adult <input checked="" type="checkbox"/> Juvenile <input type="checkbox"/>	Name Key:	Jacket Number:	Inmate Number: 11022512	Language: ENGLISH
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NAME (L,F,M): HORNSTEIN, JOSPEH HOWARD	A.K.A.:	Race: W	Sex: M	DOB: 12/15/1971	Age: 39
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Height: 5'08"	Weight: 175	Hair: BLK	Eyes: BRO	POB City: MIAMI	POB State: FL	POB Country: UNITED STATES
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RES Street#: 14486 JAMAICA DOGWOOD DR	Citizenship: UNITED STATES
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City: ORLANDO	State: FL	Zip: 32828	Home Phone: (407) 406-0855	Other Phone:
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Scars/Tattoos: CHINESE LETTERS ON BACK	Ethnicity: NOT HISPANIC OR LATINO
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Driver's License/ State ID No: H652-488-71-455-0	State: FL	Year Expires: 2013	SSN #: [REDACTED]
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Next of Kin Name: DONT HAVE ONE	Address: FL	Phone:
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Business and Occupation: UCF / ATHELETIC DIRECTOR

Bus Street#: 38 WAYNE DENSCH

City: ORLANDO	State: FL	Zip: 32816	Bus Phone: (407) 823-2729
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<b>AGGRAVATORS:</b>	Firearm <input type="checkbox"/>	Weapon <input type="checkbox"/>	Mask <input type="checkbox"/>	Vest <input type="checkbox"/>	Convicted Sex Batterer <input type="checkbox"/>	Hate Crime <input type="checkbox"/>	Special Victim: <input type="checkbox"/>	Domestic Violence? <input type="checkbox"/> N
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<b>OFFENSES</b>	Felony <input type="checkbox"/>	Misd. <input type="checkbox"/>	ORD. <input type="checkbox"/>	Traffic <input checked="" type="checkbox"/>	Court Location: TRAFFIC#4
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#	GOC Code *	Description	Bond Amt \$	FSS/ORD	FDLE Rec#	Drug Name	Citation Number
1	N	DUI - DRIVING WHILE UNDER THE INFLUENCE	316.193(1)-2	500.00	316.193.1	6276	1707-XEB

CHECK HERE IF OFFENSES ARE CONTINUED

CODEFENDANT	#1	NAME (L,F,M):	Arres? Juv. Fel. Misd. ORD. Traff. NTA	Race:	Sex:	Age:	DOB:
	#2	NAME (L,F,M):	Arres? Juv. Fel. Misd. ORD. Traff. NTA	Race:	Sex:	Age:	DOB:
	#3	NAME (L,F,M):	Arres? Juv. Fel. Misd. ORD. Traff. NTA	Race:	Sex:	Age:	DOB:
	#4	NAME (L,F,M):	Arres? Juv. Fel. Misd. ORD. Traff. NTA	Race:	Sex:	Age:	DOB:

DCF Notified? <input type="checkbox"/> N	By Whom? _____	On Probation? <input type="checkbox"/> N	Miranda Warning? <input type="checkbox"/> N	By Whom? _____	Invoked? <input type="checkbox"/> N
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Sworn to and subscribed before me, this 10 day of June year 2011

Notary Public  Law Enforcement or Corrections Officer

Personally Known  Produced Identification

Type of Identification: \_\_\_\_\_

I swear or affirm the above statements are correct and true

407-823-5555

Officer's Signature: *Proctor*

Officer's Bus. Phone No. PROCTOR, RHETT / 106

Officer's Name/ Badge ID \_\_\_\_\_

Notice to Defendant Regarding Social Security Number: This Law Enforcement Agency has collected your social security number (SSN) as required by FSS 119.071. This agency will use it for the purpose of confirming your identity, and sharing it with other governmental agencies to identify records linked to that SSN. This collection and use of your SSN is required by this agency to fulfill its lawful duties and responsibilities.

Notary Signature: <i>[Signature]</i>	<b>NOTARY PUBLIC STATE OF FLORIDA</b>	MCNEIL, ADDIE D.	DD778756 / 04/14/2012
		Notary Name	Notary Commission # / Exp. Date

ICJIS Continuation of:

Arrest Affidavit  
 Notice to Appear

Document #: 348614

Defendant's Name: HORNSTEIN, JOSPEH HOWARD	Case Number: 2011-1934
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**NARRATIVE:** The undersigned has probable cause to believe the above-named defendant on the, 10 of June 2011 at 12:23 AM at 4000 CENTRAL FLORIDA BLVD, ORLANDO, FL 32816 (Zone: 22 ) in Orange County did

Officer Freeman observed defendant commit a violation of failure to maintain lane. The defendant's breath smelled of the impurities of alcohol, eyes were glassy and red, balance was unsteady. The defendant was given the following sobriety tests: HGN, W&T and OLS. Based on my observations and training, I believe the defendants normal faculties were impaired by alcohol, drugs or both. The defendant was arrested and taken to The Orange County DUI Testing Center where breath tests resulted in a 0.137/0.130 BrAC.

VEHICLE IN MOTION:

Officer Freeman advised me he observed the defendant failed to maintain lane. For more information about vehicle in motion see Officer Freeman statement.

PERSONAL CONTACT:

I approached the driver's window and observed his eyes were glossy and I smelled the impurities of alcohol. I asked the defendant if he could get out of the car, when he did he stumbled and used his left hand to steady himself against the car.

I asked the defendant where he was coming from, he stated the UCF arena from a concert. I asked the defendant where he was going, he stated that he was looking for his girlfriend's car. I asked him if that gave him a reason to drive carelessly, he stated no, that his girlfriend was giving him directions at the last minute. I then asked who was in control of the vehicle, he stated he was. I then asked if his girlfriend was giving him directions at the last minute did he have the right to swerve on the road, he stated no.

I asked the defendant if he had a speech impediment, he told me no.

I asked the defendant if he was diabetic, epileptic, or ill, he stated no.

I asked the defendant if he was under the care of a doctor or dentist, he stated no.

I asked the defendant if he was taking any over the counter medicine or prescription drugs, he stated no.

I asked the defendant if he was wearing contacts or had a glass eye, he stated no.

I asked the defendant if he had any physical disabilities, an artificial limb, injuries, or any previous head injuries, he stated no.

I asked the defendant without looking at a watch can you tell me what time it is, he told me around midnight. The actual time was 0013.

I asked the defendant when was the last time he ate, he said about 1600 hours. The defendant proceeded to tell me that his meal was chicken wings.

The defendant told me that the last time he slept was Wednesday night for approximately eight hours.

I asked the defendant if he had anything to drink, he said yes. He proceeded to tell me that he had one drink, a beer, about 12oz. I asked

Sworn to and subscribed before me, this <u>10</u> day of <u>June</u> year <u>2011</u>	I swear or affirm the above statements are correct and true	<u>407-823-5555</u>
Notary Public <input checked="" type="checkbox"/> Law Enforcement or Corrections Officer <input type="checkbox"/>	Officer's Signature <u>Proctor</u>	Officer's Bus. Phone No. <u>PROCTOR, RHETT / 106</u>
Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>	Officer's Name/ Badge ID	
Type of Identification: _____	<small>Notice to Defendant Regarding Social Security Number: This Law Enforcement Agency has collected your social security number (SSN) as required by FSS 119.071. This agency will use it for the purpose of confirming your identity, and sharing it with other governmental agencies to identify records linked to that SSN. This collection and use of your SSN is required by this agency to fulfill its lawful duties and responsibilities.</small>	
Notary Signature <u>ADDIE D. MCNEIL</u>	MCNEIL, ADDIE D.	DD778756 / 04/14/2012
<b>NOTARY PUBLIC STATE OF FLORIDA</b>	Notary Name	Notary Commission # / Exp. Date

ICJIS Continuation of:

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<b>Defendant's Name:</b> HORNSTEIN, JOSPEH HOWARD	<b>Case Number:</b> 2011-1934
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the defendant on a scale 0 to 10 with 0 being sober and 10 being impaired where would he rate himself, he said 4.

HGN:

I observed a lack of smooth pursuit of left and right eye. The defendant had distinct and sustained Nystagmus at maximum deviation in left and right eyes and an onset of nystagmus prior to 45 degrees in left end right eyes.

WAT:

During the walk and turn the driver can't keep balance while listening to instructions and started before the instructions were finished. The defendant did an improper turn by turning the wrong the direction and staggering. The defendant stepped off the line and missed heel to toe between steps 4 and 5. The defendant did not count his steps out loud but I counted his steps as he performed the exercise.

OLS:

During the one-leg-stand the driver was swaying while balancing and raised his arms almost shoulder level to maintain balance. The defendant put his foot down three times for approximately 1 to 2 seconds each time during the exercise.

Mr. Hornstein was arrested for operating a motor vehicle while under the influence of alcohol and/or drugs and transported to The Orange County DUI Testing Center. At The Orange County DUI Testing Center I read implied consent. Mr. Hornstein agreed to take the test and submitted two samples of breath, 0.137/0.130 BrAC.

Mr. Hornstein was the transported to the Orange County Jail. The vehicle was legally parked and left on scene.

Sworn to and subscribed before me, this <u>10</u> day of <u>June</u> year <u>2011</u> Notary Public <input checked="" type="checkbox"/> Law Enforcement or Corrections Officer <input type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification: _____  Notary Signature: <u><i>Addie D. McNeil</i></u>	I swear or affirm the above statements are correct and true Officer's Signature: <u><i>Rhecton</i></u> <span style="float: right;">407-823-5555</span> Officer's Bus. Phone No. _____ PROCTOR, RHECT / 106 Officer's Name/ Badge ID _____ <div style="background-color: #e0e0e0; padding: 2px; font-size: 0.8em;">                     Notice to Defendant Regarding Social Security Number: This Law Enforcement Agency has collected your social security number (SSN) as required by FSS 119.071. This agency will use it for the purpose of confirming your identity, and sharing it with other governmental agencies to identify records linked to that SSN. This collection and use of your SSN is required by this agency to fulfill its lawful duties and responsibilities.                 </div> MCNEIL, ADDIE D. <span style="float: right;">DD778756 / 04/14/2012</span> Notary Name <span style="float: right;">Notary Commission # / Exp. Date</span>
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