

Sheriff



Larry Ashley, Okaloosa County Sheriff

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Phone: (850) 651-7410 • Email: sheriff@sheriff-okaloosa.org

November 18, 2013

CONCERNED CITIZEN'S CALL LEADS TO DUI AND CHILD NEGLECT CHARGES



A concerned citizen called the Okaloosa County Sheriff's Office after spotting a woman speeding and driving erratically with a van door open and a child in a car seat next to the open door. Deputies located the van and made a traffic stop on Emerald Coast Parkway in Destin around 6:15 p.m. November 16th after noting that the driver could not stay in one lane.

The deputy says on talking to the driver, 34-year old Marsha Jones of Santa Rosa Beach, he immediately noticed the smell of alcohol. He says Jones also seemed surprised when he asked about the open van door.

Jones was asked to do a Field Sobriety Test and subsequently arrested for DUI and child neglect without great bodily harm. She was also charged with resisting arrest without violence after failing to comply with commands. Once at the booking facility, Jones refused to submit to a breath test.

"We want to express our appreciation to the concerned citizen who took the time to relay to our agency that the van was swerving and a child was in a seat beside an open door," said Sheriff Larry Ashley. "We applaud their willingness to take action, helping bring to an end a dangerous DUI situation."

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The Okaloosa County Sheriff's Office is accredited by the Commission for Florida Law Enforcement Accreditation.

"The Okaloosa County Sheriff's Office provides equal access and equal opportunity in employment and services and does not discriminate"

IN THE CIRCUIT/COUNTY COURT IN THE FIRST JUDICIAL CIRCUIT IN AND FOR OKALOOSA COUNTY, FLORIDA

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ARREST REPORT

OKALOOSA CO SHERIFF'S OFFICE

REPORT NO: OCSO13ARR011731

Jail Booking No	Offense No OCSO13OFF012683	Other No OCSO13CAD187676	OBTS
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[SUSPECT]

Last First Middle Title Race Sex DOB Age Hgt Wgt
 JONES MARSHA DIANE W F 12/14/1978 34 5'05" 120
 Eyes Hair MNI Number SSN ID No St Type OCA/Agency ID
 BRO BRO OCSO13MNI014651 [REDACTED] FL DL

Birth Location: City: County: State: Nation: Citizenship:
 Address
 9 LANTANA CT SANTA ROSA BCH FL 32459
 Occupations (Current/Last Known is Listed First)
 Business: UNKNOWN, Job Title: UNKNOWN, Entered: 11/16/2013
 Suite:

Aliases (Last, First Middle Title DOB)
 * none found in MNI *
 Street Names
 * none found in MNI *

[INCIDENT INFORMATION]

Occurred Date Range: 11/16/2013 18:15 to 11/16/2013 18:15 Lat / Long
 No. Di Street Apt/Lot City ST Zip (GEO)
 EMERALD COAST PW DESTIN FL 32541 3 - 26 - PG54 - X-42

[CHARGES]

827.03.2d

NEGLECT CHILD

NEGLECT CHILD WITHOUT GREAT BODILY HARM

Counts	Level	Degree	GOC	UCR	NCIC	AON	Bond Amount
1	Felony	Third	Principal	9000		3806	

843.02.

RESIST OFFICER

OBSTRUCT WO VIOLENCE

Counts	Level	Degree	GOC	UCR	NCIC	AON	Bond Amount
1	Misdemeanor	First	Principal	9000		4801	

[STATEMENT OF PROBABLE CAUSE / NARRATIVE]

On November 16, 2013, at approximately 1842 hours, Marsha Diane Jones was arrested for violating F.S.S. 316.193 Driving under the Influence of Alcohol or Narcotics, F.S.S. 843.02 Resisting an Officer without Violence, and F.S.S. 827.03.2d Child Neglect without Great Bodily Harm.

On November 16, 2013, I initiated a traffic stop on a white, Mazda MVP van, bearing Florida Tag 174PNX, after the driver, Marsha Diane Jones, failed to maintain a single lane. This observation occurred after OCSO Dispatch received a complaint of the same vehicle driving erratically and speeding. The complainant also advised the passenger side, sliding door was open with a small child next to the door. During a subsequent investigation, I found Jones to be under the influence of alcohol and unable to safely operate a motor vehicle. [REDACTED] was secured in a car seat, in the passenger side of the second row of the vehicle. The sliding door on van was open while Jones drove on State Road 293 and US Highway 98, with the child adjacent to the open door and roadway, creating a hazard to the child and showing lack of care and supervision.

When I attempted to affect Jones' arrest for DUI and Child Neglect, she refused verbal direction after being ordered multiple times to comply. When verbal direction was ineffective, I secured Jones against the front of my patrol vehicle while continuing to give clear, concise, verbal commands. When this was ineffective, I advised Jones she would be taken to

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ARREST REPORT

OKALOOSA CO SHERIFF'S OFFICE

REPORT NO: **OCSO13ARR011731**

the ground if she did not comply. Jones stated "take me to the ground!" and continued to refuse verbal direction. She was subsequently taken to the ground and continued to resist, despite continued verbal direction. I had to use open hand, joint manipulation, and leverage techniques to gain control of Jones. These techniques were successful, and the arrest was affected. Jones continued to pull away and resist while being placed in my patrol vehicle for transport.

Based on the above stated facts and investigation, I find Probable Cause to believe Marsha Diane Jones Violated F.S.S. 843.02 Resisting an Officer without Violence, and F.S.S. 827.03.2d Child Neglect without Great Bodily Harm. These offenses occurred in Okaloosa County, where I am sworn deputy.

I hereby swear (or affirm) that the facts established on this affidavit are true and correct to the best of my knowledge and belief.

Signature (Arresting Officer) _____ **RICHARDS, STEVEN A** Name **288** ID/SSN

Subscribed and sworn to (or affirmed) before me this 18 day of November A.D., 2013 by _____ who is personally known to me or has produced _____ as identification.

Signature _____ Notary Public _____ LEO _____ CO

Commission No: _____ My Commission Expires _____

[PHYSICAL EVIDENCE] [NO PHYSICAL EVIDENCE LISTED]

[ARREST INFORMATION]

Arrested	Residency	Injured	Extent of Injury	Resist
11/16/2013 18:15	Within state	None	N/A	Yes
		Arrested Prior	Arrest Jurisdiction	Alcohol
		No	Within jurisdiction	Yes
No.	Di	Street	A/L	City
		EMERALD COAST PW		DESTIN
Arresting Officer			Unit	(GEO) 3 - 26 - PG54 - X-42
288 RICHARDS, STEVEN A			OCSO/FSV/EAST/BD/B-SHIFT/DES	Officer Type
Reporting Officer			Unit	Original Offense Jurisdiction
288 RICHARDS, STEVEN A			OCSO/FSV/EAST/BD/B-SHIFT/DES	OCSO
Forward to for approval				
OCSO/FSV/EAST/BD/B-SHIFT/DES				

Bond Set by LEO at Time of Arrest & Booking: \$0.00

- None
- ROR
- Cash
- Pro

Bond Set by Judge None ROR/Sign

Cash PTR

Any

Pro

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ARREST REPORT

OKALOOSA CO SHERIFF'S OFFICE

REPORT NO: OCSO13ARR011731

() PtIQ

() Purge

() SC

Return Court: CIRCUIT COURT: FELONY Date: 12/23/2013 Time: 15:30
Instructions: COUTHOUSE ANNEX EXTENSION

[DISPOSITION]

Disposition Type Release Type Other Desc
Release Date Release Time Release Officer Printed Printed By
No

Court DispositionType Court Disposition Description

[ADDITIONAL PERSONS]

COURT DISPOSITION:
[Empty lines for court disposition details]

(right index)

- No Bill / Petition Issue Warrant Prosecution Approved

Signature of Assistant State Attorney Date

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FLORIDA DUI UNIFORM TRAFFIC CITATION

A10FYIE CHECK DIGIT 7

Information Regarding Review Hearing

FINAL ORDER

This will serve as notice of final order of license suspension/disqualification effective on the date it was issued to you. You may request a formal or informal review of the suspension/disqualification. If you want the department to conduct a review of your suspension/disqualification, you must request such review at the location indicated on the reverse side. Your request must be submitted in writing within ten calendar days following the date of suspension/disqualification, and include a copy of this notice. When requesting a review, you must include a non-refundable filing fee of \$25 made payable to DHSMV.

INFORMAL REVIEW

The informal review shall consist solely of an examination of the materials submitted by you and the law enforcement officer or correctional officer.

FORMAL REVIEW

The formal review allows you to be heard and present witnesses in regard to this suspension/disqualification.

DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL (.08 OR ABOVE)

- 1. Whether the arresting law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or
2. Whether the person had an unlawful blood or breath alcohol level (.08 or above).

REFUSAL TO SUBMIT TO A BREATH, BLOOD OR URINE TEST

- 1. Same as number 1 above.
2. Whether the person refused to submit to any such test after being requested to do so by a law enforcement officer or correctional officer
3. Whether the person whose license was suspended was told that if he or she refused to submit to such test

IN CASE OF A DISQUALIFICATION THE FOLLOWING ISSUES WILL BE CONSIDERED:

DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL (.08 OR ABOVE)

- 1. Whether the arresting law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial
2. Whether the person had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher.

REFUSAL TO SUBMIT TO A BREATH, BLOOD OR URINE TEST

- 1. Same as number one above.
2. Whether the person refused to submit to any such test after being requested to do so by a law enforcement officer or correctional officer.
3. Whether the person was told that if he or she refused to submit to any such test, his or her privilege to operate a

FAILURE TO REQUEST A REVIEW WITHIN THE 10 DAY PERIOD SHALL RESULT IN THE WAIVER OF YOUR RIGHT TO A REVIEW OF THE SUSPENSION / DISQUALIFICATION.

Location of Administrative Reviews Hearing Offices

- 1. Clearwater 33762 4585 140th Avenue North, Suite 1002
2. Daytona Beach 32114-4663 995 Orange Avenue
3. Fort Myers 33901 4048 Evans Avenue, Suite 305
4. Fort Pierce 34982-8105 3220 South Federal Highway, Suite 8
5. Gainesville 32609-2861 2815 N.W. 13th St., Suite 302
6. Jacksonville 32210-3522 7439 Wilson Blvd.
7. Lantana 33462 1299 West Lantana Road
8. Lauderdale Lakes 33311 3708 West Oakland Park Blvd
9. Miami 33144 7795 West Flagler Street Suite 82C
10. Melbourne 32901-7121 2325 S. Babcock Street,
11. Panama City 32401-2230 237 West 15th Street (Lincoln Center)
12. Pensacola 32504-6331 7282 Plantation Road, Suite 406
13. Tallahassee, FL 32399-0500 2900 Apalachee Pkwy, Rm B141, MS 85
14. Tampa 33610-4479 2814 East Hillsborough Ave.
15. Orlando 32810-4221 4101 Clarcona-Ocoee Road, Ste. 152
16. Winter Springs 32708 290 East State Road 434

Form containing personal information: COUNTY OF OKALOOSA, CITY OF DESTIN, NAME MARSHA DIANE JONES, ADDRESS 980 MACK BYU UNIT 11, SANTA ROSA BEACH, FL 32459, BIRTH DATE 12/14/1978, RACE W, SEX F, HEIGHT 506, DRIVER LICENSE NUMBER, VEHICLE MAKE MAZD, MODEL SW, LICENSE YEAR 2016, COLOR WHI, LICENSE EXPIRES 2014, LOCATION US HIGHWAY 98 NEAR REGATTA BAY BLVD.

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 FACULTIES WERE IMPAIRED, OR WITH A BLOOD OR BREATH ALCOHOL LEVEL OF .08 OR ABOVE OF

Comments section: FAILED TO MAINTAIN SINGLE LANE, RE-EXAM YES NO, AGGRESSIVE DRIVER YES NO, PASSENGER < 18 YEARS YES NO, STATE STATUTE 316.193, CRASH YES NO, DAMAGE TO OTHER PROPERTY YES NO, INJURY TO ANOTHER YES NO, SERIOUS BODILY INJURY TO ANOTHER YES NO, FATAL YES NO.

THIS IS A CRIMINAL VIOLATION. COURT APPEARANCE REQUIRED, AS INDICATED BELOW
12/03/2013 9:00 AM A10FYIE CHECK DIGIT 7

CIVIL INFRACTION SOUTH
CLERK OF COURTS, SOUTH

ARREST DELIVERED TO OCSO BOOKING DATE 11/16/2013
I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION, WILLFUL REFUSAL TO ACCEPT AND SIGN THE CITATION MAY RESULT IN ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF RIGHTS. IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COURT.

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 DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL. 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 IF YOU HAVE BEEN PREVIOUSLY DISQUALIFIED UNDER SECTION 322.64, F. S.
[X] REFUSAL TO SUBMIT TO LAWFUL BREATH, BLOOD OR URINE TEST SECTION 322.2615, 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 IF PREVIOUSLY SUSPENDED UNDER SECTION 322.64, F. S.

LICENSE SURRENDERED? YES NO REASON
ELIGIBLE FOR PERMIT? YES NO REASON
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 BUREAU OF ADMINISTRATIVE REVIEWS OFFICE, 7282 PLANTATION ROAD, SUITE 406, PENSACOLA 32504-6331. YOU MAY REQUEST, WITHIN 10 DAYS AFTER THE DATE OF SUSPENSION, A REVIEW OF SUSPENSION BY THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES. SEE REVERSE SIDE.

Handwritten signature of Steven A. Richards

DEPUTY RICHARDS, STEVEN A 1330 OCSO/FS/VE
RANK - SIGNATURE OF OFFICER BADGE NO. ID. NO. TROOP UNIT