

**D.U.I. PROBABLE CAUSE AFFIDAVIT**

ON THE 26 DAY OF January 2020 AT 2:51  A.M  P.M.

CASE #: 20-004828 DEFENDANT: HILDRETH, MARK TY

**PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:**

I responded to the area of SE 34<sup>th</sup> Ave and S. Seacrest Blvd in reference to a Serious Bodily Injury Crash. The incident occurred within the City of Boynton Beach, Palm Beach County, Florida. Boynton Beach Police Record's department advised that multiple units were on scene currently investigating a crash involving a motor vehicle and a 5yo bicyclist that possibly sustained head and neck injuries.

Upon arrival, I was informed that the victim was being treated at Delray Trauma Medical Center with non-life threaten injuries. While scanning the scene I've noticed that Traffic Homicide Officer Mastro had painted the scene with orange marking paint. The area of impact (AOI) was just north of the intersection of SE 34<sup>th</sup> Ave and Seacrest Blvd; on the double yellow solid line. The final rest for the victim ( [REDACTED] ) was 86 feet to the northwest of the AOI; on the west side of the roadway's sidewalk. Near [REDACTED] final rest, his black bicycle with training wheels was located damaged.

Crash investigation revealed that W/M Hildreth, Mark (11/01/59) was operating his 2014 Black Mercedes S550 bearing Florida tag HAMMERR northbound on S. Seacrest Blvd approaching the intersection of SE 34<sup>th</sup> Ave. [REDACTED] and his father [REDACTED] were riding their bicycles westbound on SE 34<sup>th</sup> Ave, approaching the intersection of S. Seacrest Blvd. [REDACTED] were riding on the north side of the roadway. As [REDACTED] reached S. Seacrest Blvd they continued their path northbound on S. Seacrest Blvd, along the roadway. At that point [REDACTED] veered into the roadway into the path of Hildreth's vehicle. As a result, the front left corner Hildreth's vehicle struck the rear of [REDACTED]'s bicycle, causing [REDACTED] to mount the hood and be vaulted to his final rest. [REDACTED] and witnesses quickly rendered aid to [REDACTED] as Hildreth pulled over to the right shoulder. According to [REDACTED] and witnesses, Hildreth exited and stated "he jumped out in front of me". Hildreth then entered his vehicle and fled southbound on S. Seacrest Blvd; without leaving any information. Witnesses, W/M Tilghman, Eric (07/10/83) and W/M Neal, Shaun (03/08/77) followed Hildreth to 2019 S. Seacrest Blvd; where Hildreth resides. Moments later Officer Medeiros arrived at Hildreth's residence and located Hildreth and the Mercedes.

I then responded to Hildreth's residence. At the same time a show up was being conducted with witness, W/M Barta, Alexander (01/09/85). Barta was the only witness to the actual crash and had positively identified Hildreth and the Mercedes as being involved. The

Mercedes was parked directly in front of 2019 S. Seacrest Blvd and Hildreth was seated on the stairs in front of the residence.

I then spoke with Officer Medeiros, who advised that upon his arrival to 2019 S. Seacrest Blvd he was flagged down by Tilghman and Neal. Tilghman and Neal pointed out the Mercedes and the building that Hildreth had entered. Tilghman and Neal advised that they followed Hildreth to this location and observed him walk inside. Officer Medeiros advised seconds later Hildreth exited the building and was detained until further investigation. Officer Medeiros advised that Hildreth had made statements about being involved in the crash. Officer Medeiros advised that while speaking with Hildreth he noticed that his speech was slurred and that he staggered. Officer Medeiros advised Tilghman and Neal stated that numerous witnesses on scene were yelling at Hildreth to not leave but Hildreth left anyways.

I then made contact with Hildreth, who was still on the stairway. I introduced myself and advised the reason for my presence, which he stated that he understood. Due to the fact that we were near the Mercedes I went over the damages to the vehicle with Hildreth. The front left corner of the bumper had scratches and scraps. The left side of the hood had a dent and paint chips. There was also skin transfer on the hood. Hildreth confirmed that the damages observed were new damages. Hildreth vehicle's was dirt and had dust on it but was free from any dents/scratches/paint chips implying that Hildreth takes care of his vehicle. I then escorted Hildreth to the front of my fully marked patrol vehicle, where the incident was being video/audio recorded from my in-car system. Once in front of my vehicle Hildreth began to cry and stated "he drove out in front of me". Hildreth was very emotional. Before we continued I read Hildreth his Miranda Warnings, which he stated that he understood. Hildreth advised that he was driving down the road, a child drove out on a bicycle right in front of him and he had no time to react. Hildreth advised that he was coming from his girlfriend's residence and was en route to his residence. Hildreth advised that he did not see [REDACTED] at any time prior to the crash. Hildreth advised that he then pulled over and got out. At which time [REDACTED] began to yell at his for striking [REDACTED]. Hildreth advised that he did know what to do therefore he left the scene. While speaking with Hildreth I detected the odor of an unknown alcoholic beverage emanating from his breath, which intensified as he spoke. Hildreth's pupils were smaller than normal and he swayed and slurred his speech as he talked. At this point I advised Hildreth that I've concluded my crash investigation and was now conducting a criminal DUI investigation, which he stated that he understood. Due to the odor I asked Hildreth if he had consumed any type of alcoholic beverage today, which he stated no. Hildreth further advised that he was drinking last night and the odor I detect was from then. Hildreth advised that he takes medications to assist him to sleep and urinate. Based on my investigation at this point I requested Hildreth to submit to Series of Standardized Field Sobriety Task, which he refused. I then advised Hildreth of his Taylor Warnings, which he

advised that he understood. I then requested a second time which Hildreth refused again. At that time Hildreth was placed into custody under suspicion of DUI (D/L and Spaced).

**HORIZONTAL GAZE NYSTAGMUS:**

- |  |   |
|--|---|
| <input type="checkbox"/> Left eye does not follow smoothly                 | <input type="checkbox"/> Right eye does not follow smoothly                 |
| <input type="checkbox"/> Left eye prior to 45 degrees                      | <input type="checkbox"/> Right eye prior to 45 degrees                      |
| <input type="checkbox"/> Distinct jerking in left eye at maximum deviation | <input type="checkbox"/> Distinct jerking in right eye at maximum deviation |
| <input type="checkbox"/> Vertical Nystagmus in left eye                    | <input type="checkbox"/> Vertical Nystagmus in right eye                    |

**WALK AND TURN:**

REFUSED

**ONE LEG STAND:**

REFUSED

**FINGER TO NOSE:**

REFUSED

**ROMBERG/ALPHABET:**

REFUSED

Hildreth was then placed in the back seat of my vehicle and transported to the Palm Beach County BAT facility. I arrived at the facility at 1657hrs, started my 20 minutes observations at 1704hrs and completed it at 1724hrs. Upon completion I requested Hildreth to provide a sample of his breath to determine the alcohol content, which he refused. I then advised Hildreth of Implied Consent, which he stated that he understood and refused again to provide a breath sample. I then re-read Hildreth his Miranda Warnings, which he stated that he understood. Hildreth refused to complete the Q & As.

THI Mastro's investigation revealed that Hildreth was traveling at speeds no less than 58mph in a 35mph speed zone. During the investigation [REDACTED]'s injuries were listed a road rash on his dorsal side and possible interior injuries.

Based on the above facts I've established Probable Cause to arrest with Hildreth 1F count of Leaving the Scene of an Accident with Injuries pursuant with F.S.S. 316.027.2 and DUI W/ Injuries pursuant with F.S.S. 316.193.3.C.1. Due to the fact that Hildreth was involved in crash he was transported to a local hospital for medical clearance and later TOT PBCJ.

Copy of the in-car video and crime scene photos were placed into the Boynton Beach Police Evidence Department. Incident was captured via BWC as well. Hildreth vehicle was removed from scene by Beck's Towing and held for criminal investigation.

Nothing further.

The following instrument was sworn to before me this 26 day of January 2020

By: PERSONALLY KNOWN / OFFICER CASTRO #905

\_\_\_\_\_  
Notary/Police Officer (F.S.S. 117.10)

\_\_\_\_\_  
Signature of Arresting Officer