

PROBABLE CAUSE AFFIDAVIT	FORM PURPOSE	On View (PC Arrest) <input checked="" type="checkbox"/>	Capias Request	JUVENILE	YES	NO <input checked="" type="checkbox"/>
	Taken into Custody (Warrant/Capias Arrest)		Summoned/Cited (NTA)	Referral	Civil Citation	

ADMINISTRATIVE	Arresting Agency ORI Number	051200	Arresting Agency Name	CITY OF PALM BAY POLICE DEPARTMENT		Arresting Agency Case/Arrest Number	23-001541	OBTs Number	23-001541				
	FDLE Number		FBI Number		DOC Number		Transport Time	Jail Date/Time	2/12/23 0355				
	Location of Arrest (Include Name of Business)		1898 SEAGRAPE ST NE		City	City of Palm Bay	Location of Offense (Include Name of Business)		1898 SEAGRAPE ST NE	City	City of Palm Bay		
	Offense Date OR Date Range	02/11/2023	Arrest Date/Time	02/11/2023 2105 HRS	Charge Type (Select as many as apply)		Misdemeanor <input checked="" type="checkbox"/>	Traffic <input checked="" type="checkbox"/>	Felony <input checked="" type="checkbox"/>	Ordinance	Evidence Confiscated (Select as many as apply)	Vehicle	Firearm

DEFENDANT / JUVENILE	Name (Last, First, Middle)	FILIBERTO, PETER, JOSEPH			Alias and Type		Date of Birth	Age	Jacket Number	4705264				
	Race	White	Ethnicity	N/A	Sex	Male	Height	5'7"	Weight	165 LBS	Eye Color	Hazel	Hair Color	Brown
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)													
	NONE KNOWN													
	<div style="border: 1px solid black; padding: 2px;">Redacted per FSS 119.071(5)(a) Social Security Numbers</div> <div style="border: 1px solid black; padding: 2px; margin-left: 200px;">Redacted per FSS 119.071(4)(d) 2b Govt. Official Personal Information</div>													
	Local Address (Street, Apt. Number)			City, State, Zip			Phone/Type (include area code)			Primary Language			English <input checked="" type="checkbox"/>	
	Permanent Address (Street, Apt. Number) or parent's if juvenile			City, State, Zip			Phone/Type (include area code)			Complexion			Light	
	Business Address (Street, Apt. Number)			City, State, Zip			Phone/Type (include area code)			Build			Average	
	Driver's License State/ Number/ Type			Social Security Number*			INS Number			Place of Birth			Citizenship	
	FL/F416-670 88 044 0/CLASS E									Florida			United States of America	

CHARGE	PC <input checked="" type="checkbox"/>	Capias	Warrant	Additional Charge	Date Issued	Writt Aff	Domestic Violence	Order of Arrest	
	Charge Description				Counts	r.s. <input checked="" type="checkbox"/> Ord	Statute/ Ordinance Number	Re-classifier	
	POSSESSION OF CONTROLLED SUBSTANCE (COCAINE)				1		893 13 (6)(A)		
Drug Activity		Drug Type		Amount/Unit	Bond Amount	Warrant / Citation / Court Number			
POSSESSION		COCAINE		10 6 GRAMS	2000				

The undersigned certifies and swears that he/she has just and reasonable grounds to believe and does believe and does believe that the above Defendant committed the following violation of law

On the 11 day of FEB 2023 at 8.44 -- AM PM (Specifically include facts constituting cause for arrest)

***** SEE ATTACHED NARRATIVE *****

In accordance with F.S.S. 938.27 I hereby request reimbursement of investigative costs consisting of _____ hrs @ \$ _____ per hr and/or _____ miles @ \$ _____ per mile for a total of \$ 50.00

Affidavit Attached YES NO _____ Continue for Narrative Charges

NOTICE TO APPEAR	Mandatory Appearance in Court	Location (Court, Room Number, Address)	Viera Court House, 2825 Judge Fran Jamieson Way, Viera, FL 32940		Division #						
	Date					Month	Day	Year	Time	AM	PM
	I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST OR A TAKE INTO CUSTODY ORDER SHALL BE ISSUED.										
Signature of Defendant / Juvenile			Signature of Juvenile's Parent / Custodian			Release to: (Name)		Date		Time	

ADMINISTRATIVE	Hold for Other Agency Name	Verified By	Do Not Bond Out Reason		Hold for 1st Appearance (Adults Only)				
	I swear/affirm the above and attached statements are true and correct. I DO on 2/12/23		Officer's/Complainant's Signature	Digitally signed by Zachery Morris Date: 2023.02.12 00:51:42 -05'00'	ID #	218	Officer's/Complainant's Name (Printed)	Corporal Z Morris #218	
	Sworn and subscribed before me, the undersigned authority this 12 day of 2/2023		Notary Signature	Stephanie Fay		Digitally signed by Stephanie Fay Date: 2023.02.12 01:01:03 -05'00'	Notary Name (Printed)	Sgt S Fay #213	

0501450339

2848

\$47.00

34

Defendant / Juvenile Name (Last First Middle) FILIBERTO PETER JOSEPH OBTS Number

CO-DEF	Co-Defendant name (Last First Middle)	Race	Sex	Date of Birth or Age	Juvenile (Y/N)
	Not Applicable				
CO-DEF	Arrested <input type="checkbox"/> At Large <input type="checkbox"/> Cited <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/>				
	Co-Defendant name (Last First Middle)	Race	Sex	Date of Birth or Age	Juvenile (Y/N)
CO-DEF	Not Applicable				
	Arrested <input type="checkbox"/> At Large <input type="checkbox"/> Cited <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/>				

CHARGE	PC <input checked="" type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Write Aff	Domestic Violence	Order of Arrest
	Charge Description	Counts	F.S. <input checked="" type="checkbox"/> Ord. <input type="checkbox"/>	Statute/ Ordinance Number	Re-classifier
	RECKLESS DRIVING	1		316 192 (1)(a)	
CHARGE	Drug Activity	Drug Type	Amount/Unit	Bond Amount	Warrant / Citation / Court Number
	N/A	N/A	N/A	500	UTC AGQC4E

CHARGE	PC <input checked="" type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Write Aff	Domestic Violence	Order of Arrest
	Charge Description	Counts	F.S. <input checked="" type="checkbox"/> Ord. <input type="checkbox"/>	Statute/ Ordinance Number	Re-classifier
	DUI	1		316 193 (1)	
CHARGE	Drug Activity	Drug Type	Amount/Unit	Bond Amount	Warrant / Citation / Court Number
	N/A	N/A	N/A	500	UTC AGQC5E

CHARGE	PC <input checked="" type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Write Aff	Domestic Violence	Order of Arrest
	Charge Description	Counts	F.S. <input checked="" type="checkbox"/> Ord. <input type="checkbox"/>	Statute/ Ordinance Number	Re-classifier
	NO MOTORCYCLE ENDORCEMENT	1		322 03 (4)	
CHARGE	Drug Activity	Drug Type	Amount/Unit	Bond Amount	Warrant / Citation / Court Number
	N/A	N/A	N/A	500	UTC AGQC6E

VEHICLE	Year	Make	Model	VIN	Tag / Tag State	Primary Color	Secondary Color
	2019	HONDA	MOTORCYCLE	MLHJB021XK5001342	MMTD44/FL	RED	RED
*If Applicable provide information related to the vehicle involved in the crime							

On the above date and time I observed a red/white striped 2019 Honda Motorcycle (125cc) bearing Florida Tag# MMTD44 driving south on Lipscomb St NE at a high rate of speed

As I was attempting to catch up to the vehicle it turned east on Ersoff Blvd NE then south on Sago Palm St NE. By the time I approached Sago Palm St, the vehicle was nearly at the very south end of the road. The vehicle ran the stop sign and turned west on Royal Palm Dr NE before turning north on Big Cypress St NE. I was able to finally catch up to the vehicle at Big Cypress St and Ersoff Blvd. The vehicle slowed down but ultimately ran the stop sign at this location. It should be noted the vehicle was traveling at a high rate of speed well above the 25mph posted speed limit.

I activated my overhead red and blue lights to conduct a traffic stop. The vehicle turned north on Seagrave St NE and began to accelerate. I activated my sirens at which time the driver Peter Filiberto (herein referred to as defendant), looks back and began to pull to the right of the roadway.

As I stopped my marked patrol car and began to exit, the defendant attempted to make a u turn to what appeared to flee from the traffic stop. When doing the u turn, the defendant lost control of the motorcycle and fell over. At this time I approached the defendant and placed him into custody for reckless driving.

While speaking with the defendant I could detect an odor of alcoholic beverages emitted from his breath. At this time, Officer V Stepp #256 began to conduct a DUI investigation. The defendant was read his Miranda Right's where he refused to speak with Officer Stepp. Officer Stepp explained that she was conducting a DUI investigation and requested for the defendant to do Standardized Field Sobriety Tests (SFST's). The defendant refused to do the SFST's. It was explained to the defendant that if he refused to do the SFST's a determination would be made based on the totality of the circumstances. The defendant acknowledged and again refused. Based on the defendant's driving pattern, as well as odor of alcoholic beverages emitting from his breath, coupled with the defendant losing balance with his motorcycle, causing him to drop it, I believed the defendant was impaired beyond his normal faculties. Therefore, the defendant was charged with DUI.

A search of his driver's license on DAVID, showed the defendant's license was suspended on 09/28/2022 for financial responsibilities and he received knowledge of the suspension on 09/13/2022. Also, the defendant shows to have one prior refusal to submit Breath/Urine/Blood on 02/16/2008. DAVID also shows the defendant does not currently possess a Motorcycle Endorsement in the State of Florida. Given this information, the defendant was charged with Driving with a Suspending License with knowledge, Refusal to Submit Breath/Urine/Blood, and No Motorcycle Endorsement. The defendant was transported to the Palm Bay Community Hospital for medical clearance before being transported to the Palm Bay Police Department for booking.

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Officer s/ Complainant's Signature Zachery Morris	Digitally signed by Zachery Morris Date 2023 02 12 00:51 58 -05'00	ID # 218	Officer's/Complainant's Name (Printed) Corporal Z Morris #218
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AGENCY NAME	CITY OF PALM BAY POLICE DEPARTMENT	BREVARD COUNTY, FLORIDA	Arresting Agency Case Number 23-001541
NARRATIVE Continuation Page 3 of 3			
Defendant / Juvenile Name (Last, First, Middle) FILIBERTO, PETER, JOSEPH			OBT Number

CHARGE	<input checked="" type="checkbox"/> PC	<input type="checkbox"/> Capias	<input type="checkbox"/> Warrant	<input type="checkbox"/> Additional Charge	Date Issued	<input type="checkbox"/> Writ Aff	<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Order of Arrest
	Charge Description REFUSAL TO SUBMIT (1 PRIOR)				Counts 1	<input checked="" type="checkbox"/> F.S. Ord.	Statute/ Ordinance Number 316 1939 (1)	Re-classifier
	Drug Activity N/A		Drug Type N/A		Amount/Unit N/A	Bond Amount 500	Warrant / Citation / Court Number UTC AG03SBE	

CHARGE	<input checked="" type="checkbox"/> PC	<input type="checkbox"/> Capias	<input type="checkbox"/> Warrant	<input type="checkbox"/> Additional Charge	Date Issued	<input type="checkbox"/> Writ Aff	<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Order of Arrest
	Charge Description DWLS w/ Knowledge				Counts 1	<input checked="" type="checkbox"/> F.S. Ord.	Statute/ Ordinance Number 322 34 (2)(A)	Re-classifier
	Drug Activity N/A		Drug Type N/A		Amount/Unit N/A	Bond Amount 500	Warrant / Citation / Court Number UTC AGQC7E	

CHARGE	<input type="checkbox"/> PC	<input type="checkbox"/> Capias	<input type="checkbox"/> Warrant	<input type="checkbox"/> Additional Charge	Date Issued	<input type="checkbox"/> Writ Aff	<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Order of Arrest
	Charge Description				Counts	<input type="checkbox"/> F.S. Ord.	Statute/ Ordinance Number	Re-classifier
	Drug Activity		Drug Type		Amount/Unit	Bond Amount	Warrant / Citation / Court Number	

While the defendant was being processed at the Palm Bay Police Department Booking center, a search was conducted. During the search, the defendant removed his shoes which yielded a plastic container containing a white powdery substance. Also located in the defendant's sock was a plastic baggie containing a similar white powdery substance with white rocks. Both substances were field test individually, resulting in positive for the presence of cocaine. The total net weight of the substances was 10.6g. The defendant was also charged with possession of a controlled substance (cocaine).

The defendant was later turned over to BCSO for secured detention.

Officer's/ Complainant's Signature Zachery Morris	Digitally signed by Zachery Morris Date 2023.02.12 00:56:10 -05'00'	ID # 218	Officer's/Complainant's Name (Printed) Corporal Z Morris #218
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