

NOTWITHSTANDING THE WHEELER DRIVING UNDER THE
INFLUENCE WITH INJURY CHARGE, MOTION TO
PROCEED WITH THE CLARIFICATION, REHEARING, AND
CERTIFICATION

1. That in a February 3, 2005 article in the Sun-Sentinel, attached herein as Exhibit "A", Christopher Wheeler was charged with felony DUI ("Wheeler DUI") and where such article describes a driving under the influence offense on December 15, 2004, whereby Wheeler rear-ended another vehicle, causing bodily injury resulting in hospitalization to the other driver. Where Wheeler had an alcohol blood level of .2 above the legal limit of .08 or above, or two hundred and fifty percent (250%) above that legal limit. Where further articles state that a warrant has been issued for the arrest of Wheeler and where further Eric Turner of The Florida Bar, has also made statements to the press that this Court may take action in the matter against Wheeler. Where Turner's statements were incorrect to the press as will be evidenced, stating the felony DUI charges were only a misdemeanor in Wheeler's defense. Where driving under the influence is highly unethical behavior and conduct unbecoming a member of The Florida Bar, it appears strange

that The Florida Bar would make any assessment of the charges one way or another.

2. That according to police records, attached Exhibit "B" – Wheeler Police Report DUI with Injury, that Wheeler has been charged with felony DUI inapposite the Turner statements and where this Court should compel Turner to retract and redact his former statements to the public on behalf of Wheeler.

3. That Petitioners maintain that any sanctions resulting from the Wheeler DUI be handed down separate and apart from the Petition, and that the motion for clarification, rehearing, and certification shall not be impeded with or otherwise interfered with through review, consideration, and ruling notwithstanding the outcome of the ruling in the DUI matter.

4. Where these two instances, the Petition and the Wheeler DUI, are non-related and where the sanctions in the matter of the DUI may not be the same or equivalent sanctions for the charges in the Petition relating to Wheeler's involvement in a criminal conspiracy to steal inventions from inventors. Where the Petition and the TFB complaints against Wheeler contain charges of conflicts of interest, appearances of impropriety, evidences of public office corruption, abuse of public

offices of the Supreme Court agency The Florida Bar by Wheeler with his partner Matthew Triggs and where these matters must be completed notwithstanding if Wheeler is disbarred for other criminal behavior.

5. That sanctions in the matters contained in the Petition would be of far greater magnitude than a short-term action for a DUI imposed by the Court, such as minor suspension or reprimand versus lifetime disbarment and other remedies for the crimes alleged against the United States Government and Petitioners in the Petition. That the request for rehearing, clarification and certification should proceed without interference from anything related to the DUI, as the Petition and Wheeler Complaints have direct bearing on other complaints under investigation in the public office corruption scandal alleged at this Court's agency The Florida Bar. Where final adjudication should be had in the Petition, even if Wheeler is disbarred for the DUI, as the Petition Ruling will ultimately be challenged on its own merits at the United States Supreme Court.

Wherefore, Petitioners requests that this honorable Court enter an order granting a motion to proceed with the clarification, rehearing, and certification notwithstanding the Wheeler DUI, and such further relief as the Court deems as just and equitable.

TIME OF THE ESSENCE

6. That part of Petitioners' requests in this motion stem from a future appeal to the Supreme Court of the United States, if necessary.

7. That after conversations with the Clerk of the Supreme Court of the United States, it was suggested that we obtain: (i) a written verification of the receipt and acceptance for hearing of the filing of the Motion for Rehearing, Clarification and Certification by this Court; (ii) that such filing was free from any procedural or other problems; and (iii) the docketing date of the filing.

8. That as part of the future appeal, Petitioners request the expedited hearing and ruling of this motion and the Motion for Rehearing, Clarification and Certification so that Petitioners may satisfy the tolling period of ninety days post the initial, January 12 Ruling or the forthcoming ruling, whichever date is appropriate for tolling of such 90 day period.

Wherefore, Petitioners request that this honorable Court enter an order granting a motion to expedite the hearing of these motions and the January 26, 2005 motion and confirm proper docketing of the motion



under 9.330, and such further relief as the Court deems as just and equitable.

**REQUEST FOR CORRECTIONS OF THE PUBLIC RECORD IN
CASE SC04-1078**

9. That this Court first entered into the public record on the case docket SC04-1078 the following motion that was properly submitted and served:

Motion for: Declaratory Relief; Intervene in Third Party Investigations of the Boca Raton Police Department, the Federal Bureau of Investigation, and the Securities and Exchange Commission with the Court's Oversight to Ensure Due Process; and an Emergency Order for the Immediate Protective Custody of Eliot I. Bernstein, Candice M. Bernstein, Joshua E. Z. Bernstein, Jacob N.A. Bernstein, Daniel E.A.O. Bernstein, P. Stephen Lamont and P. Stephen Lamont, II.

10. That on October 15, 2004, this Court ruled to deny the motion based on a lack of jurisdiction. Where it was further advised that the motion be filed in the "appropriate circuit court" and where then the motion was completely removed from the public record in SC04-1078 as if it were never filed and docketed.

11. That the Court altered the public record by removing from the docket the entire motion and ruling, leaving an altered public record. Where such ruling to deny the motion may have had certain appeal rights and

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where such rights were unclear since the motion disappeared from the case docket.

12. That after conversations with Thomas Hall regarding the changes in the public record, Hall suggested that this Court should be motioned to further clarify the ruling and to request the Court to explain why, how and who ordered it removed from the public record.

13. That Hall stated that this Court should be motioned to have the public record restored, with all original markings and show the true and proper docketing of the case in the public record and record all changes properly according to public record rules.

14. That the Docket was also altered causing the record to reflect incorrectly regarding Respondents' court ordered response to the Petition, initially docketed incorrectly showing John Anthony Boggs as the attorney filing the response. Where factually Eric M. Turner had authored and signed the response. Where this change in attorneys was docketed publicly at the website, the alteration does not reflect the change in attorney's properly, as the listing of Boggs was erased as if it did not exist. Petitioners desire to evidence the change in entirety to the United States Supreme Court and where the change was an overwrite of the prior information versus an amendment to the public record causes

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confusion. Where Turner's response may have been tendered in conflict, such minute detail may later have bearing.

Wherefore Petitioners asks that the public record be corrected in Case SC04-1078 to correctly docket all matters and reflect all motions and rulings correctly. Where the motion and ruling that have been deleted from the public record should be re-inserted into the public record we ask this Court for correction. Where the change in counsel from Boggs to Turner should be reflected correctly to show the changes in docketing properly reflecting the change as it occurred. Where if these corrections are to be made they should be made chronologically correct with an explanation for why they have been re-inserted in notation in the public record and that these changes be dually reflected on the public access website www.flcourts.org in the docket search section.

**MOTION TO MAINTAIN FILES OF THE FLORIDA BAR AND
SECURE A SECONDARY COPY FOR SAFEKEEPING**

15. At minimum, all files including The Florida Bar work product should be requested to be copied and maintained by this Court until all appeals of CASE SC04-1078, the Wheeler Complaints, the Triggs Complaint and the Turner Complaint have been exhausted at all courts. Where all active investigations that will need such files for review of public office

abuses should be able to request the entire files from the Court. Where criminal charges are being filed in relation to the public office abuses such records are critical to fair and impartial due process of the matters. Where complaints are being formalized for local and federal law enforcement and the Florida Commission on Ethics and certain authorities have been notified of the events taking place in SC04-1078, as they all have bearings on the theft of the intellectual properties. Where the request for certification will be challenged at the United States Supreme Court will in part be based upon this Court's refusal to press charges on conflicted members and where it will be evidenced that this Court refused to impart fair and impartial due process in handling its internal affairs of the TFB and its members in conflict, is dependent on all records in these matters. Where it will be necessary upon appeal to review the actions of this Court, to determine if conflict may impaired the Courts decision, the files again are all necessary. That all files for all complaints filed by Petitioners with The Florida Bar be maintained, whether they have been formally docketed or not by TFB, including bar complaints against Matthew Triggs, Eric Turner and the second complaint against Wheeler.



16. Where per conversations with the Honorable Clerk of the Court, Thomas D. Hall on February 11, 2005, it was learned that The Florida Bar was not receiving proper service of documents in this case, including the Motion under 9.330 for Rehearing, Clarification and Certification, which almost led to yet another premature destruction of the files in the Wheeler Complaints. Where such destruction was being completed with orders from Eric Turner, despite the 9.330 motion filed and where the excuse by TFB of improper service appears almost unbelievable in light of the circumstances and evidences.

17. That after conversations on February 11, 2005 with the Honorable Clerk of the Court, Debbie Yarbrough, The Florida Bar had claimed that they had not-received the 9.330 Motion sent by Petitioners. Further, per Yarbrough, The Florida Bar claimed that it did not receive the Court copies sent to them by the Court for the 9.330 Motion, and where Yarbrough was requested to send new copies on February 11, 2005. Where Hall expressed disbelief when he was called upon in the last minutes again, to save the files from another premature attempt at the destruction of the files, and asked why everyone was in such a hurry to destroy the files. Where since this destruction attempt was authorized by the Court in it's Ruling, despite the Court's full knowledge of the



importance of the files in ongoing investigations, will be basis on appeal at the United States Supreme Court to show a possible attempt to obstruct justice. Therefore, since the files now have two parties, TFB and this Court seeking to rush to destroy pertinent evidence, we ask that a copy of the entirety of the files of this Court and TFB be maintained by a third party, non-conflicted oversight.

18. Where again, for now the third time, the Wheeler Complaint files were almost destroyed by a series of errors on the part of The Florida Bar and where were it not for the last minute invaluable assistance of Hall and Yarborough to halt the destruction, the files and evidence would have been permanently destroyed. Where the repeated attempted destruction of the files, before completion of all appeals and in disregard for the fact that the files may contain materially relevant evidence in ongoing investigations, again carries an overwhelming appearance of impropriety for all those involved and could have resulted in obstruction of justice charges and other charges against each and every individual involved.

19. That this Court in the Ruling to deny the Petition, also granted The Florida Bar the right to destroy the files 30 days after the ruling, which in light of the fact that this Court was aware of the evidentiary nature of

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the files to prove further the conflicts of interests and appearances of impropriety already confirmed, seems almost conspiratorial in nature. This Court's ruling, to rush to justice in the destruction of the files, again illustrates that there must be something to hide in the files and desperate attempts are being made to destroy the files before such public office corruption scandal can be fully exposed. That repeatedly it appears that the destruction is intended to take place before the ability to have the conflicts properly investigated, acting as an obstruction of justice and further denial of due process to Petitioners.

20. That insurance filings by Iviewit Shareholders against certain parties will also now need full disclosure and access to such records for Wheeler, Triggs and the Turner complaints, all currently possessed by The Florida Bar to evaluate claims. That TFB should have reported the conflicts of interest of Triggs to their insurance carrier as provided for in the TFB's coverage of its members and maintain the files as evidence for claim review.

Wherefore, so that no further attempted file destructions are made by any parties inapposite law and prior to review by the Supreme Court of the United States and other third party investigators, Petitioners request that this Court secure an entire copy of all records from The

Florida Bar. That Petitioners request this Court and TFB to turn over ALL records of any form to a third party oversight for safe-keeping, maintaining the originals for future investigations and disposition. Where due to the serious nature of the offenses of patent theft and then covering up for such crimes at TFB, and, where such cover up has occurred through offenses by public officers of this Court's agency TFB, Petitioners request that any ruling for destruction of the file be approved by the Judicial Qualifications Commission ("JQC"). Further, that the JQC be contacted prior to any further actions by this Court, to certify that no conflicts of interests are causing such misguided rulings, as potential conflicts may exist due to conflicting interests by the Court and TFB with the Petitioners, regarding the insurance matters and other matters cited in the Petition. Where Petitioners request this Court to seek from the JQC confirmation of the ruling to destroy the files and attest that no criminal or other violations exist before such destruction. Where it is further requested by Petitioners that all members of this Court involved in Case SC04-1078, provide a conflict waiver to the JQC prior to any further rulings, as potential conflict resulting from insurance claims was clearly identified in the Petition as making this Court potentially biased. Further bias may exist in the fact that such conflicts



of interest and appearances of impropriety may lead to criminal charges being filed against members of this Court's agency TFB, for aiding and abetting criminal actions, in the burying of complaints containing evidences of frauds against the United States Department of Commerce, the United States Patent and Trademark Offices, the United States Copyright Offices, the Florida Department of State, the federally backed Small Business Administration, the Iviewit shareholders, the inventors and multitudes of other crimes stated in the Petition, that could cause public concern over this Court's agency TFB and its leadership. 7

Where the defendants are almost all large law firms with tremendous powers of influence in the courts, we ask that all members of this Court and TFB involved in these matters certify that no conflict exists with any of the parties named in any of the TFB complaints or filings with this Court. Where such conflict waiver should also include recusal by anyone conflicted with those employees and members already charged at TFB with alleged malfeasances as defined in the Petition.



**MOTION FOR A REHEARING, CLARIFICATION AND
CERTIFICATION IN THE RULING OF OCTOBER 15, 2004
UNDER 9.330**

21. That due to the alterations of the docket whereby motions and rulings were permanently stricken from the public records and appear to have vanished, subsequent confusion was caused to Petitioners, who misunderstood the removal from the record, and thought the removal indicated that motion had somehow been taken out of the case entirely and was no longer a part of the case. That it further was not known that such ruling could be motioned for rehearing, clarification and certification under 9.330.

22. That Petitioners concede that the time for such request under 9.330 may have passed for this ruling. Where it was no fault of Petitioners in not understanding that the ruling was still a part of the case and such 9.330 motion could have been filed for rehearing, clarification and certification in the matter as the docket no longer contained the prior information. Where Petitioners asks that this Court further clarify what the "appropriate circuit court" may be and why such request was denied when life and limb may be at risk in these matters that are all directly related to Petition.

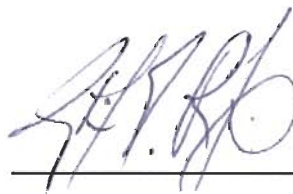
I express a belief, based upon a reasoned and studied non-professional judgment as a Pro Se party without legal background, that a written opinion regarding the denial and subsequent altercation of the public record in the ruling of October 15, 2004 will provide a legitimate basis for Supreme Court review because of all of the following issues;

Denial of due process.

Denial of this Court to protect the constitutionally protected rights of inventors.

Conflicts of interests and the appearance of impropriety in this Court and its agency TFB .

This day of March 1, 2005.



Eliot I. Bernstein, Pro Se

EXHIBIT A



- THE NEWS**
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Updated on February 5, 2005

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LATES

Local News

Boca lawyer charged with DUI

Wheeler could face disciplinary action if convicted of charge stemming from car accident

Published Saturday, February 5, 2005 at 1:00 am
by [By Dale M. King](#)

A Boca Raton attorney charged with driving under the influence with injury could face disciplinary action if convicted, according to the Florida Bar Association.

Delray Beach Police said Christopher Wheeler, 58, an attorney with the Boca Raton law firm of Proskauer Rose LLP, faces a DUI with injury charge stemming from an accident on Congress Avenue in that city the night of Dec. 15.

"The Fort Lauderdale office of the Bar Association is aware of the accident," said Eric Turner, chief branch disciplinary counsel for that office. The charge, Turner said, is a misdemeanor. The Bar Association will not step in, he said, unless Wheeler is convicted.

If that happens, the matter will be reviewed and turned over to a grievance committee to determine if Wheeler should be prosecuted. If so, a complaint will be filed with the Supreme Court, Turner said.

The police report said Wheeler's car struck another vehicle from behind, causing the other car to roll into a "ditch-type terrain off the shoulder of the roadway." The other driver, Prospere Mede, 54, of Boynton Beach, was trapped in the car and had to be removed by paramedics, police said.

Both Mede and Wheeler were taken to Delray Medical Center for treatment of injuries.

Documents obtained from Delray Police said Wheeler's blood alcohol level was about .2 that night. In Florida, a blood level of .08 or higher can result in a drunken driving charge.

According to reports, Wheeler and his wife, Deanna, had been attending a party. She was driving behind her husband on their way home. Police said Wheeler's car took off "at a high rate of speed" from the traffic light at 1000 S. Congress Ave. "and struck the vehicle ahead of him." Officers who responded said they smelled "an odor of alcoholic beverage" in the car, and said Wheeler's speech was "very slurred."

The report said he willingly submitted to blood alcohol testing.

Wheeler is a prominent attorney in Boca Raton. He works in the corporate department and is a partner in the Florida office of Proskauer Rose LLP. The firm's Web site says he is versed in real estate and corporate law, institutional lending, administrative law and industrial revenue bond financing.

He is also active in professional, charitable and philanthropic organizations.

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He is on the board of trustees of the Boca Raton Community Hospital and the hospital foundation, serves on the executive committee and board of directors of the Florida Atlantic University Foundation and is on the Board of the National Conference for Community and Justice of South Florida.

Both FAU and the hospital declined comment on the charge against Wheeler. Hospital spokeswoman Jamie Oberweger said BRCH does not comment on the personal matters of its board members.

FAU spokeswoman Kristine McGrath said the university declined comment because the matter "does not affect the mission of the university."

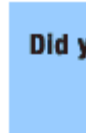
Mike Edmondson, spokesman for State Attorney Barry Krischer, said his boss's office normally doesn't get involved with traffic cases. Edmondson said Wheeler will not receive special treatment because he is a lawyer.

The victim in the crash could not be reached for comment. However, his wife said he is out of the hospital and has returned to work.

Dale M. King can be reached at dking@bocanews.com.

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Boca Raton News

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Boca Raton lawyer faces DUI charges

Sun-Sentinel
Posted February 3 2005

Drunken driving charges were filed Monday against a prominent Boca Raton attorney and member of the Florida Atlantic University Foundation's board of directors, according to a Delray Beach police report.

Christopher C. Wheeler, 58, was on his way home from Boca Raton Community Hospital's Christmas ball on Dec. 15th when he rear-ended a car in the 1000 block of Congress Avenue, the report said. The crash trapped the other driver inside his car.



[AD]


When officers arrived, Wheeler, who also is a hospital board member, smelled of alcohol and spoke with slurred speech, the report said. According to toxicology results, his blood-alcohol level was above .2. Driving is illegal at .08 and higher.

Wheeler was charged with driving under the influence with injury.

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EXHIBIT B

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 3. Request for Warrant
2. N.T.A. 4. Request for Capias
3 Juvenile

ADMINISTRATIVE	OBTS Number	DRPO		Agency ORI Number				Agency Name				Agency Report Number (N. T.A.'s only)				
	FLO 500400		DELRAY BEACH POLICE DEPARTMENT													
	Charge Type: Check as many as apply.		<input type="checkbox"/> 1. Felony <input checked="" type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		Weapon Seized / Type 2 1. Yes 2. No		Multiple Clearance Indicator		01			
DEPENDANT	Location of Arrest (Including Name of Business)						Location of Offense (Business Name, Address)									
	Warrant Request						551 SOUTH SR 807									
	Date of Arrest	Time of Arrest		Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle								
Warrant Request		N/A						Beck's Towing (Phone# 561-369-1096)								
CO-DEF	Name (Last, First, Middle)											Alias (Name, DOB, Soc. Sec. #, Etc.)				
	WHEELER, CHRISTOPHER, C															
	Race	Sex	Date of Birth		Height	Weight	Eye Color	Hair Color	Complexion	Build						
	W - White I - American Indian B - Black O - Oriental/Asian	W	M	08/13/46		506	160	Hazel	Brown	Light	Medium					
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)						Marital Status	Religion	Indication of: Alcohol Influence Y N Unk. Drug Influence <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>							
	NONE OBSERVED						Married	Unknown								
	Local Address (Street, Apt. Number)				(City)	(State)	(Zip)	Phone		Residence Type:						
	7 SANDPIPER DRIVE				VILLAGE OF GOLF	FL	33436	(561) 736-4547		1. City 3. Florida 2. County 4. Out of State						
	Permanent Address (Street, Apt. Number)				(City)	(State)	(Zip)	Phone		Address Source						
	7 SANDPIPER DRIVE				VILLAGE OF GOLF	FL	33436	(561) 736-4547		FL DL/ID CARD						
Business Address (Name, Street)				(City)	(State)	(Zip)	Phone		Occupation							
Unknown							(561) 241-7400		ATTORNEY							
D/L Number, State		Soc. Sec. Number			INS Number		Place of Birth (City, State)		Citizenship							
W-460-103-46-293-0 FL							BUFFALO, NY		USA							
Co-Defendant Name (Last, First, Middle)					Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large		<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile					
NONE																
Co-Defendant Name (Last, First, Middle)					Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large		<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile					
Name (Last, First, Middle)					(First)	(Middle)			Residence Phone							
Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other: <input type="checkbox"/>																
Address (Street, Apt. Number)					(City)	(State)	(Zip)		Business Phone							
Notified by: (Name)					Date	Time	Juvenile Disposition		1. Handled/ processed within Dept. and Released.		2. TOT HRS / DYS 3. Incarcerated					
Released To: (Name)					Relationship			Date	Time							
The above address provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address.							School Attended		Grade							
<input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No: (Reason)																
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property				Value of Property										
Drug Activity		S. Sell	R. Smuggle	K. Dispense/ Distribute	M. Manufacture/ Produce/ Cultivate	Drug Type		B. Barbiturate	H. Hallucinogen	P. Paraphernalia/ Equipment	U. Unknown					
N. N/A		B. Buy	D. Deliver	E. Use	Z. Other	N. N/A		C. Cocaine	M. Marijuana	S. Synthetics	Z. Other					
P. Possess		T. Traffic				A. Amphetamine		E. Heroin	O. Opium/Deriv.							
Charge Description			Counts	Domestic Violence	Statute Violation Number			Violation of ORD #								
DRIVING UNDER THE INFLUENCE W/INJURY			1	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	316.193											
Drug Activity	Drug Type	Amount / Unit	Offense #		Warrant / Capias Number			Bond								
N	N	N	04-35170													
Charge Description			Counts	Domestic Violence	Statute Violation Number			Violation of ORD #								
				<input type="checkbox"/> Y <input type="checkbox"/> N												
Drug Activity	Drug Type	Amount / Unit	Offense #		Warrant / Capias Number			Bond								
Charge Description			Counts	Domestic Violence	Statute Violation Number			Violation of ORD #								
				<input type="checkbox"/> Y <input type="checkbox"/> N												
Drug Activity	Drug Type	Amount / Unit	Offense #		Warrant / Capias Number			Bond								
Charge Description			Counts	Domestic Violence	Statute Violation Number			Violation of ORD #								
				<input type="checkbox"/> Y <input type="checkbox"/> N												
Drug Activity	Drug Type	Amount / Unit	Offense #		Warrant / Capias Number			Bond								
<input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court <input type="checkbox"/> Instruction No. 2 You need not appear in Court but must comply with instructions on Reverse Side.					Location (Court, Room Number, Address)											
					FELONY DIVISION											
					Court Date and Time											
					Month	Day	Year	Time	A.M. <input type="checkbox"/>	P.M. <input type="checkbox"/>						
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 SHALL BE ISSUED																
Signature of Defendant (or Juvenile and Parent /Custodian)						Date Signed										
HOLD for other Agency Name:			Signature of Arresting Officer			Name Verification (Printed by Arrestee)										
			X			(PRINT)										
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:		Name of Arresting Officer (Print)		I.D. #		PAGE								
				V. GRAY		613										
Intake Deputy		I.D. #	Pouch #	Transporting Officer		ID #	Agency	Witness here if subject signed with an -X"								
								1 OF 1								

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ADMINISTRATIVE
DEPENDANT
CO-DEF
JUVENILE
CHARGE
CHARGE
CHARGE
CHARGE
NOTICE TO APPEAR
ADMIN

PROBABLE CAUSE AFFIDAVIT

1. Arrest
2. N.T.A. 3. Request for Warrant
4. Request for Capias

Juvenile 3

ADMIN	OBTS Number	Agency ORI Number FLO500400		Agency Name DELRAY BEACH POLICE DEPARTMENT	Agency Report Number 04-35170
	Charge Type: Check as many as apply.	<input type="checkbox"/> 1. Felony <input checked="" type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	Special Notes:

DEF	Name (Last, First, Middle) WHEELER, CHRISTOPHER, C	Alias	Race W	Sex M	Date of Birth 08/13/46
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CHARGES	Charge Description DRIVING UNDER THE INFLUENCE W/INJURY	Charge Description
	Charge Description	Charge Description

VICTIM	Victim's Name (Last, First, Middle) STATE OF FLORIDA	Race	Sex	Date of Birth
	Local Address (Street, Apt. Number) (City) (State) (zip) Phone () ()	Address Source		
	Business Address (Name, Street) (City) (State) (zip) Phone () ()	Occupation		

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.
 The Person taken into custody
 committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
 confessed to _____ admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.
 On the **15TH** day of **December** 20 **04** at **10:56** A. M. P. M. (Specifically include facts constituting cause for arrest.)

ON 12-15-04, @ 10:56 PM, I RESPONDED TO A TWO VEHICLE TRAFFIC CRASH INVOLVING SERIOUS INJURY, LOCATED AT 551 SR 807, IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA. (SEE CRASH REPORT)

I APPROACHED THE DEFENDANT WHO WAS IN PHYSICAL CONTROL OF HIS VEHICLE. THE VICTIM IN THIS CASE, PROSPERE MEDE, WAS REAR ENDED AND TRAPPED INSIDE HIS VEHICLE AS PARAMEDICS RENDERED AID. I MADE CONTACT WITH PARAMEDIC PERSONNEL WHO REPORTED THAT THE DEFENDANT APPEARED IMPAIRED AND REEKED THE ODOR OF AN ALCOHOLIC BEVERAGE WHILE THEY TREATED HIM FOR A HEAD WOUND. I ALSO HEARD THE DEFENDANT SPEAK WITH VERY SLURRED SPEECH, DETECTED AN ODOR OF AN ALCOHOLIC BEVERAGE COMING FROM HIS BREATH, AND SAID HE CAME FROM THE BOCA RATON HOSPITAL CHRISTMAS BALL. ADDITIONALLY, THE DEFENDANTS WIFE, DEANNA WHEELER, WAS FOLLOWING HER HUSBAND AND TOLD ME THAT HER HUSBAND HAD TAKEN OFF FROM THE RED LIGHT AT 1000 SOUTH CONGRESS AVE AT A HIGH RATE OF SPEED FOR UNKNOWN REASONS AND HAD BEEN DRINKING. MOMENTS LATER, HE STRUCK THE VEHICLE AHEAD OF HIM. SHE THEN TOLD ME THAT HER HUSBAND SHOULDN'T HAVE BEEN DRIVING AND EXPRESSED CONCERNS FOR THE VICTIM STILL TRAPPED IN HIS CAR.

I REQUESTED THAT THE DEFENDANT SUBMIT TO AN APPROVED TEST OF HIS BLOOD FOR DETERMINING HIS ALCOHOL CONTENT. THE DEFENDANT AGREED AND SAID HE WOULD SUBMIT. AT 11:13 PM, I INSTRUCTED DBFD PARAMEDIC MICHAEL RODRIGUEZ TO WITHDRAW THE BLOOD SAMPLE USING A LAW ENFORCEMENT BLOOD KIT THAT WAS PROVIDED, FILLING BOTH GRAY TOPPED VIALS. THIS SAMPLE WAS LATER TRANSPORTED TO THE PBSO TOXICOLOGY LAB FOR ANALYSIS.

ON 1-28-05, I RECEIVED THE TOXICOLOGY REPORT FROM THE LAB. THESE RESULTS INDICATED THAT THE DEFENDANT HAD AN UNLAWFUL BLOOD ALCOHOL LEVEL OF .203% AND .207%.

BASED UPON THE AFOREMENTIONED, THE DEFENDANT IS THUS CHARGED WITH DUI INVOLVING INJURY TO ANOTHER, PURSUANT TO FSS 316.193.

FEB 01 2005

ADMINISTRATIVE	SWORN AND SUBSCRIBED BEFORE ME	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER	
	<i>Sgt. R. Dunderow</i>	<i>V. GRAY</i>	
	NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)	NAME OF OFFICER (PLEASE PRINT)	
	1/31/05	1/31/05	PAGE
DATE	DATE	1 OF 1	

DELRAY BEACH POLICE DEPARTMENT NARRATIVE REPORT FORM

INCIDENT NUMBER (YY-####)	04-35170	DATE (MM/DD)	12/15	OFFICER ID NUMBER	692
OFFENSE CHANGE	VICTIM NAME	<input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Supplement		DATE OF SUPPLEMENT	
				12/16/04	
<input type="checkbox"/> CLEARED <input type="checkbox"/> ARRESTED <input type="checkbox"/> EXCEPTIONALLY			NEW DISPOSITION <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE		
			<input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED		

NARRATIVE

I responded to the 500 block S. Congress Ave to assist Ofc. Gray with a traffic crash. I made contact with one of the drivers, Christopher Wheeler. Wheeler was in the drivers seat of his black Lexus (FL tag U72-WXP). The keys were in the ignition and the engine was on. I asked Wheeler what happened, and he stated, "I don't know, a car came out of nowhere." Wheeler's eyes were bloodshot and glassy, his speech was slurred and there was a strong odor of an alcoholic beverage on his breath. I asked Wheeler if he had anything to drink, and he said he had a couple of glasses of wine at dinner. Ofc. Gray then arrived and took over the investigation.

FEB 01 2005

--- If the victim(s), arrested, etc. are new to the case or they have not previously had a status report completed, please fill one out for each for computer entry.

Additional Forms Used <input type="checkbox"/> Property Status <input type="checkbox"/> Booking Arrest <input type="checkbox"/> Vic/MW/Veh Status	Officer Name Signature / Print	FT O Init./ID# Supervisor Init./ID#
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Silverman

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile, US Mail Certified and email this 1st day of March 2005 to The Florida Bar.



Eliot I. Bernstein, Pro Se