22CT6233ASB

Arrest Report

FLORIDA HIGHWAY PATROL P.O. BOX 16007, LAKE WORTH, FL 33416

			131	Reporting Office	r Name	
port Date / Time	Report Number	Case Number/C		R. CLARKE		
9/2022 10:41 PM	FHP99ARR797142	FHP220N019 RCC22IN028	7955	Lion	P-K-	
OD!	Occur Date Time Range		Jurisdiction			
inating Agency ORI	04/19/2022 20:30:39 -					
509000	Other Humber		Clearance			
S Number	Jules Title					
cation of Occurre	U contina Turia	cation Description				
County	1	TATE ROAD 91 (FLOR	DAS TURNPIK	E) NB MM 75		
PALM BEACH	PUBLIC PLACE S	Apt/Lot/Bldg City		S		ip Code
eet Number Street		LININ	CORPORATED	F	1 3	3433
FLORIC	A'S TPKE NB			14	N.	X
fendant			Race Sex	Height W	eight H	air Eyes
First Name	Middle Name Last Name	Journa 1.	WHITE MAL	1	T 1 /	rey Bla
BARRY	DAVID PESKIN		41111	State OCA / A		- J
NI#	SSN Date of Birth	/.go //	cense or other ID			
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ace of Birth:	- CUTY SITTICE					
idress	ALOTONI I ANE DEI DAVE	SEACH, FL 33446 /				
RESIDENCE / 982	O VITRAIL LANE , DELKAY E		, 7			
rrest	Arrest Location Type	Arrest	Location Descript	ion		
Arrest Date/Time	1	STAT	E ROAD 91 (F	LORIDAS TURNPI	KE) NB M	M 75
	21 PM PUBLIC PLACE	Apt/Lot/Bldg Cour		City	State	Zip Code
Street Number Street				UNINCORPORA	FL	33433
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S Code			st Offense Code			
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DUI INFLUENCE C	F ALCOHOL OR DRUGS)			
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eport Date / Time /19/2022 10:41 PM	Report Number FHP99ARR797142	Case Number FHP22ON0 RCC22IN02	196565 / 287955	R. CLARKE
Originating Agency ORI EL0509000 DBTS Number	Occur Date Time Range 04/19/2022 20:30:39 - Other Number	<u> </u>	Jurisdiction Clearance	
Charge Degree F General Offense Code		MIS	rge Level DEMEANOR est Offense Code I-UNLAW BLD A	ILCH
Charge Description DUI AND DAMAGE I Is Arrestee Juvenile?	PROPERTY			No On-View Arrest (apprehension without a warrant or previous incident report)
Type of Arrest Bond Set by Cou Bond Amount	nt No Bond			
Bond Type(s)				high

On April 19, 2022, at approximately 8:35 pm, I was dispatched to a motor vehicle collision on State Road 91 northbound mile marker 74 that involved three-vehicles a white Tesla, a black Tesla and a white Ram pickup truck with a car carrier trailer. On the scene, I met with the driver of the black Tesla car who advised me that he was hit by a white Tesla while traveling in the left lane.

I later located the driver of the white Tesla sitting behind the steering wheel and its front airbag deployed. I identified the driver of the white Tesla as Barry Peskin by front airbag deployed. I identified the driver of the white Tesla as Barry Peskin by I located Driver License (P250064611020). I did not smell any alcoholic his Florida Driver License (P250064611020). I did not smell any alcoholic heverages emitting from Peskin's breathe; however, his face looked very pale, his beyond bloodshot water/ glassy. I observed him having difficultly eyes were bloodshot water/ glassy. I observed him having Trooper James with standing(swaying) while on a leveled surface. After assisting Trooper James with his crash investigation, I changed Hat at 10:05 pm and advised Peskin that I will be conducting a criminal investigation regarding DUI.

Prior to administering a DUI, I interviewed three independent witnesses on video:

The first on was Nelson Piovet who advised me that the white Tesla passed them when they were coming out of the rest area in Broward County, Florida. The Tesla almost hit their driver's side front fender only to continue in the left lane and center almost hit their driver's side front fender only to continue in the left lane and center

Page 2 of 7

Arrest Report

Report Date / Time 4/19/2022 10:41 PM	Report Number FHP99ARR797142	Case Number/Cad FHP22ON01965 RCC22IN02879	65 /	Reporting Officer Name R. CLARKE	
Originating Agency ORI FL0509000	Occur Date Time Range 04/19/2022 20:30 39 -	Jurisdiction			
OBTS Number	Other Number		Clearance		

lane swerving from left to right before causing the traffic crash ahead. Piovet identified the driver as white Tesla as being a male between the age 65-70 with white or silver hair.

Ms. Leticia Castillo Rodriguez was in the same car with Piovet as a front seat passenger and she confirmed Piovet's observations regarding the white Tesla driving patterns.

Prior to beginning the exercise, it was determined that Peskin was not wearing contact lenses. Peskin's eyes were checked, and his eyes displayed equal tracking and his pupils were equal size. Peskin was instructed to follow the stimulus with his eyes only, keeping his head still. After stating he understood the instructions Peskin attempted the exercise.

The results of this exercise displayed 6 of the 6 possible clues.

- A lack of Smooth Pursuit in his left eye.
- A lack of Smooth Pursuit in his right eye.
- A distinct and sustained nystagmus in the left eye at maximum deviation.
- A distinct and sustained nystagmus in the right eye at maximum deviation.
- An onset of nystagmus in the left eye prior to 45 degrees.
- An onset of nystagmus in the right eye prior to 45 degrees.
- The exercise further revealed the presence of vertical nystagmus. Vertical nystagmus is an indicator of high doses of alcohol, other central nervous systems (CNS) depressants or inhalants, and the consumption of the drug phencyclidine (PCP).

While performing the Horizontal Gaze Nystagmus exercise, Peskin was constantly swaying while standing.

Prior to attempting Walk and Turn Exercise, Peskin indicated he did not have any medical conditions that would have prevented him from performing the exercise. I instructed Peskin to put his left foot on the painted solid white lane marker and his

Arrest Report

Report Date / Time 4/19/2022 10:41 PM	Report Number FHP99ARR797142	Case Number/Cad Number FHP22ON0196565 / RCC22IN0287955	1		
Originating Agency ORI FL0509000	Occur Date Tinia Runge 04/19/2022 2d 36 39	Jurisdiction			
OBTS Number	Citier Number	Clearance			

right foot in front of his left foot with his right heel touching the toe of his left foot. I instructed him to stand in a prescribed manner with his hands by his sides until the exercise instructions were completed and the exercise demonstrated. I instructed Peskin not to begin the exercise until he was told to do so. I instructed Peskin to take nine steps along the line in a heel-to-toe manner. After the ninth step, he was to stop and turn around keeping his lead foot on the ground, taking several small steps with the other foot to turn around. After turning around, he was to take nine steps in a heel-to-toe manner back along the line, in the direction he had come from. I further instructed him to watch his feet always while walking, keeping his arms down to his sides, and to count his steps out aloud. After the exercise was demonstrated, Peskin stated he understood the instructions; as a result, I instructed Peskin to begin the exercise.

Walk and Turn exercise observations:

- On the first set of steps, Peskin failed to walk in a heel-to-toe manner on all steps, failing to walk heel-to-toe on steps 1, 2, 3, 4, 5, 6, 7, 8, and 9.
- On the second set of steps, Peskin failed to walk in a heel-to-toe manner on all steps, failing to walk heel-to-toe on steps 1, 2, 3, 4, 5, 6, 7, 8, and 9.
- Was unable to stand in a heel-to-toe manner while the instructions to the exercise were given.
- Did not look down and watch his feet during the exercise.
- Raised arms for balance during the exercise.
- Lost his balance while walking.
- Turned incorrectly.
- Failed to count his steps out loud.
- Took the incorrect number of steps on the first set of 9 steps (11)
- Took the incorrect number of steps on the second set of 9 steps (23)
- Did not look down and watch his feet during the exercise.
- Stopped while walking.

One Leg	Stand	Exercise
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R. CLARKE				FLORIDA HIGH	WAY PATROL		
TDD A431 NEPORTING OFFICER FHPKILWRCCIWPBISR91 88-103							

Report Date / Time	Report Number	Cas	e Number/Cad Number	Reporting Officer (Agine and
4/19/2022 10:41 PM	FHP99ARR797142		P220N0196565 / C22IN0287955	R. CLARKE
Originating Agency ORI FL0509000	Occur Date Time Range 04/19/2022 2d 50 50 50 -		Jurisdiction	
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The undersigned cencommitted violation(s Reporting Officer	ones and swears that he), of law, on the below d	ate(s) and time(s), as listed in the prob	to believe that the above named Defendant, able cause associated with this report:
Officer Name	Office Rank	Officer ID No	1	d before me, the undersigned authority
R. CLARKE	TPR	4431		of
Officer Agency			DEPUTY OF THE CO	DURT, NOTARY OR LAW ENFORCEMENT
FLORIDA HIGHWAY I	PATROL			
Officer Signature	Ø ·	3		
No Bill / Petition	Issue Warrant	O Prosecution A	pproved	

Signature of Assistant State Attorney

Date

Report Date / Time 4/19/2022 10:41 PM	Report Number FHP99ARR797142	FHF	 Number/Cad Number 220N0196565 / 22IN0287955 	R. CLARKE
Originating Agency ORI Occur Date Time Range FL0509000 04/19/2022 20 50 59 -		.,, ,, ,, ,, ,, ,, ,	Jurisdic	tion
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The undersigned cert committed violation(s	ifies and swears that he	/she has just and ate(s) and time(s), as iisted iii trie į	nds to believe that the above named Defendant, probable cause associated with this report:
Officer Name	Office Rank	Officer ID No	Sworn and subse	cribed before me, the undersigned authority
R. CLARKE	TPR	4431		day of
Officer Agency			DEPUTY OF TH	E COURT, NOTARY OR LAW ENFORCEMENT
FLORIDA HIGHWAY	PATROL	$ \frac{1}{2} $		
Officer Signature	<u> </u>			
No Pill / Potition	O lesue Waitant	() Prosecution A	oproved	

Signature of Assistant State Attorney

Date

FLORIDA TRAFFIC CRASH DRIVER INFORMATION EXCHANGE

This Traffic Crash Report can be purchased online at: www.FloridaCrashPortal.gov

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y of Crash	City	or Place of Crash A RATON		I CRY CITIE	04/19/20:	22 12:00 AM	04/19/202	2 08:30 PM			
BEACH	Occurrence	A RATE			_						
74 FLORIDAS TPKE									N/SN		
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	RIDA HIGHWAY PA	TROL			P	age 1 of 1 Fr	SE NUMBER IP220N0196565	
TE	ricle Tow	PALM BEACH	BOCA RA		OTHER NUMBER		ATION / REPORT 510833	
19/	/2022 10:49:10 PM	VEHIC	E HOLD (NO	OT TO EXC	EED 5 DAYS)		
			EXCLUDING HO	LIDAY AND WEE	(ENDS			
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	NAME FIRST BARRY ADDRESS 9820 VITRAIL LANE	NAME MIC SUB DAVID		T NAME SKIN CITY DELRAY BEA	STATE	ZIP CODE 33446	TELEPHONE	
À	CARRIER NAME ADDRESS			CITY		ZIP CODE	TELEPHONE	
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₩or	TOW SELECTION TYPE ROTATION WRECKER TOWING SERVICE EMERALD TOWING ADDRESS 4000 N POWERLINE R	MILE 74 FLORIDA	CH, FL 33073	DAY TELEPHONE 9549174747 CITY / STATE / ZIP	NIGHT TELEF			
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	WE THE UNDERSIGNATION INVENTORY IS COR	RECT TO THE BES	OF OUR KNOW	LEDGE.				
	SIGNATURE OF TOW TRUCK	DRIVER	CATE	RANK A	JRE OF OFFICER ID NAME OF OFFICER C, JAMES	OR K	G/UNIT I.	D. NU
	PRINTED NAME OF TOW TRO	OCK DRIVER		TPR				

FLORIDA DEPARTMENT OF LAW ENFORCEMENT ALCOHOL TESTING PROGRAM BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000 Instrument Registered To: PALM BEACH CO SO Instrument Serial Number: 80-006240 Software: 8100.27

Date of Test: 04/19/2022

Date of Last Agency Inspection: 04/08/2022

Observation Period Began: 23:15 Subject's Name: BARRY PESKIN

DOB: 03/22/1961 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

				
Results:	Test	g/210L	Time	
	Diagnostics Check	OK	23:39	
	Air Blank	0.000	23:39	
	Control Test	0.080	23:40	
	Air Blank	0.000	23:40	Y
	Subject Sample #1	0.000	23:41	y
	Air Blank	0.000	23:41	
	Air Blank	0.000	23:43	
	Subject Sample #2	0.000	23:44	
	Air Blank	0.000	23:44	
	Control Test	0.081	23:44	
	Air Blank	0.000	23:45	
	Diagnostics Check		23:45	
		F		
Cylinder Lot: 29821080A4 Exp: 12/05/2023		,		

State of Florida, County of Palm Beach,
Personally appeared before me the undersigned authority, who () is personally known to me or
as identification, and who after being placed under oath,
states:
Towns army held a unlid Breath Mark Consustan namet issued by the Florida
I <u>shari Lower</u> , hold a valid Breath Test Operator permit issued by the Florida
Department of Law Enforcement, I administered the above breath test to the subject named above i
accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate
report of that breath test.
report of that breath test.
Breath Test Operator:
Signature
·
and the section to be supported by the section of t
Sworn to (or affirmed) before me this 19 day of April , 2022
Tra. Clorke # 4431

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

Printed Name of Notary Public-State of Florida

Signature of Notary Public-State of Florida



PALM BEACH COUNTY SHERIFF'S OFFICE DUI TESTING FACILITY INFORMATION SHEET

PBSO CASE # 22-058828	PBSO ZONE	7-11
AGENCY CASE # FHP72CN6196565	. •	
TIME OF STOP/CRASH 8.30PM DATE	4/19/2022	DAY Tuesday
SUBJECT'S NAME Barry, PEEKIN	RACE White	SEX M
HGT 511 WGT 40	DOB 3/22/1	901
ARRESTING OFFICER'S NAME & IDTPI-CLY	he #399 AG	ENCY FHP
	naine	
	NOTIFIED BY CO	
	ARRIVAL AT F	ACILITY 11:15 pm rest Time 10:26 pm
BREATH RESULTS:	An	rest Time 10: 26pm
1		·
2		
3. <u>Vrine/Pending</u>		
4.		
TRETTNE OFFICER'S ID		

TESTING FACILITY TASK REPORT

AGENCY: FHP- L TRP. CLARKÉ #4431						
SUBJECT: PESKIN, BARRY D. CASE NUMBER: 22-058828						
DATE: 04-19-22 VIDEO DVD NUMBER: N/A						
BEGINNING TIME: 23:35 HRS ENDING TIME: 23:56 HRS						
BREATH TESTS RESULTS: 1) .000 TIME 23:41 A.M. P.M. 2) .000 TIME 23:44 A.M. P.M.						
3) TIME A.M. P.M. 4) TIME A.M. P.M.						
BREATH OPERATOR: S.O'NEAL #6212						
MAINTENANCE TECHNICAN: J. KARLECKE #6467						
TESTING OFFICER'S OBSERVATIONS						
SPEECH: LOW, SLURRED						
ATTITUDE: CALM, COOPERATIVE						
CLOTHING: SHIRT- BLUE PANTS- BLACK						
MEDICAL CONDITIONS: NO	$\overline{}$					
MEDICATIONS: PRILOSEC, TYLENOL WITH CODINE						
OTHER: EYES:RED, GLASSY, SLEEPY HEAD- BRUISE ON FOREHEAD PRIOR TO ENTERING THE BAT FACILITY						
COMMENTS:						

- 20 MIN. OBSERVATION DONE BY A/O CLARKE #4431
- D FELL ASLEEP DURING THE 20 MIN. OBSERVATION.
- A/O REQUESTED THE BREATH TEST ON CAMERA.
- D SUBMITTED TO THE TEST.
- D WAS FALLING ASLEEP ON CAMERA.
- D COMPLETED THE TEST CORRECTLY.
- EXPLAINED THE BREATH RESULTS TO THE D.
- A/O REQUESTED THE URINE ON CAMERA.
- D SUBMITTED TO URINE.
- C/W READ ON CAMERA.
- Q&A CONDUCTED.



Palm Beach County Sheriff's Office - Arrests Only

	x	Florida State Statute	Description	Page Number(s)
L/E Exemptions		119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
		943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
		119.071(4)(c)	Undercover personnel.	
		119.071(2)(f)	Confidential informants (CIs).	
		119.071(2)(e)	Confession.	
suc		985.04(1)	Juvenile offender records.	
Public Info. Exemptions		119.071(h)(i)	Assets of a crime victim.	
		395.3025(7)(a), 456.057(7)(a)	Medical information.	
blic In		394.4615(7)	Mental health information.	
P.		119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	×	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers,	2
		(viii) 394.4615(7)	Clinical records under the Baker Act.	
		(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
		(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
Other			Other:	
δ			Other:	

REVIEW COMPLETED BY

Booking Number: 2022010297	Date: 4/20/2022
	Specialist Name/ID: Chantel Daniels/30347