


0222624


50-2021-CT-NR 12857-ASB

4# 793

A D M I N I S T R A T I O N	OBTS Number		ARREST / NOTICE TO APPEAR				1. Arrest (No Warrant) 3. Request for Warrant 6. Arrest (Warrant) 4. Request for Capias 2. N.T.A. 5. Juvenile Referral		1	JUVENILE	N
	Agency ORI Number 0500200		Agency Name Boca Raton Police Department				Agency Report Number (N.T.A.'s only) 3 2 2021-008994				
	Charge Type: Check as many as apply <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		If Weapon Seized Enter Type UNARMED		Multiple Clearance Indicator						
	Location of Arrest (Including Name of Business) 101 E CAMINO REAL, 101 E CAMINO REAL, BOCA RATON, FL						Location of Offense (Business Name, Address) 101 E CAMINO REAL, BOCA RATON, FL 33432				
D E F E N D A N T	Date of Arrest 08/03/2021	Time of Arrest 16:42	Booking Date 08/03/2021	Booking Time 17:14	Jail Date 08/03/2021	Jail Time 00:00	Location of Vehicle ON SCENE				
	Name (Last, First, Middle) PORUSH, DANIEL M										
	Alias: Alias (Name, DOB, Soc. Sec. #, Etc.)										
	Race: <input checked="" type="checkbox"/> White <input type="checkbox"/> American Indian <input type="checkbox"/> Black <input type="checkbox"/> Oriental/Asian <input type="checkbox"/> Other Sex: M Date of Birth: 02/02/1957 Height: 5'09 Weight: 155 Eye Color: BLUE Hair Color: BROWN Complexion: MEDIUM Build: Medium										
C O D E F	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)										
	Marital Status: M Religion: JEWISH Indication of Alcohol Influence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk <input type="checkbox"/>										
	Local Address (Street, Apt. Number) (City) (State) (Zip) Phone 101 E CAMINO REAL 1011, BOCA RATON, FL 33432 (561) 715-2333										
	Permanent Address (Street, Apt. Number) (City) (State) (Zip) Phone 101 E CAMINO REAL 1011, BOCA RATON, FL 33432 (561) 715-2333										
J U V E N I L E	Business Address (Name, Street) (City) (State) (Zip) Phone PRIVATE PRACTICE, 933 CLINTMOORE RD BOCA RATON, FL 33486 (561) 715-5577										
	Occupation Doctor										
	D/L Number, State P620173570420 / FL										
	Soc. Sec. Number [REDACTED]										
C O D E F	INS Number [REDACTED]										
	Place of Birth (City, State) BROOKLYN, NY,										
	Citizenship US										
	Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth [REDACTED] [REDACTED] [REDACTED]										
J U V E N I L E	Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth [REDACTED] [REDACTED] [REDACTED]										
	Relationship [REDACTED]										
	Name (Last, First, Middle) [REDACTED]										
	Address (Street, Apt. Number) (City) (State) (Zip) [REDACTED]										
C O D E F	Notified by: (Name) Date Time JUVENILE DISPOSITION [REDACTED] [REDACTED] [REDACTED] 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated										
	Released To: (Name) Relationship Date Time										
	The above address was 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's Office (Phone 355-2526) informed of any change of address.										
	Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description of Property Value of Property										
C O D E F	Drug Activity: N. N/A S. Sell B. Buy P. Possess R. Smuggle D. Deliver E. Use K. Disperse/Distribute M. Manufacture/Produce/Cultivate Z. Other Drug Type: N. N/A A. Amphetamine B. Barbiturate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia Equipment S. Synthetic U. Unknown Z. Other										
	Charge Description DUI Statute Violation Number 316.193(1A) Violation of ORD #										
	Drug Activity Drug Type Amount / Unit Offense # Counts Domestic Violence Warrant / Capias Number Bond N / 2021-008994 1 [] Y [] N										
	Charge Description Statute Violation Number Violation of ORD #										
C O D E F	Drug Activity Drug Type Amount / Unit Offense # Counts Domestic Violence Warrant / Capias Number Bond [] Y [] N										
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	Charge Description Statute Violation Number Violation of ORD #										
I N T A K E	Health / Apparent Physical Condition of Defendant GOOD										
	Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape <input type="checkbox"/> Verbal <input type="checkbox"/> Physical <input type="checkbox"/> Injuries										
	Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Released to Parent/Guardian <input checked="" type="checkbox"/> T.O.T. County Jail PROPERTY - Received By Released By Released To										
	Transported By Date Transported Time Transported Other										
N O T I C E T O A P P E A R	<input checked="" 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 Page 2.										
	Location (Court, Room) South County 200 W Atlantic Ave Delray Beach, FL 33444										
	Court Date and Time 09/06/2021 08:30:00										
	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.										
A D M I N I S T R A T I O N	Signature of Defendant (or Juvenile and Parent/Custodian)										
	Date Signed										
	Signature of Arresting Officer 845										
	Name Verification (Printed by Officer) (PRINT)										
A D M I N I S T R A T I O N	Name of Arresting Officer (Print) SUPER, M. R. I.D. # 845										
	Transporting Officer K. Weller I.D. # 861 Agency BRD										
	Intake Deputy [Signature] Pouch #										
	Witness here if subject signed with an "X"										

No Photo Available

PROBABLE CAUSE AFFIDAVIT				1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1	JUVENILE
OBTS Number									
Agency ORI Number FL 0500200	Agency Name BOCA RATON POLICE DEPARTMENT			Agency Report Number 3 2 2021-008994					
Charge Type: <input type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other				Special Notes:					
Name (Last, First, Middle) PORUSH, DANIEL M				Race W		Sex M		Date of Birth 02/02/1957	
Charge Description 316.193(1) DUI				Charge Description					
Charge Description				Charge Description					
Victim's Name (Last, First, Middle) STATE OF FLORIDA,				Race U		Sex U		Date of Birth	
Local Address (Street, Apt. Number) (City) (State) (Zip) 100 NW 2ND AVE, BOCA RATON, FL 33432				Phone (561) 338-1234		Address Source			
Business Address (Name, Street) (City) (State) (Zip)				Phone (561) -		Occupation			
<p>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.</p> <p>The Person taken into custody ...</p> <p><input checked="" type="checkbox"/> committed the below acts in my presence. <input checked="" type="checkbox"/> was observed by OFC SUPER who told that he/she saw the arrested person commit the below acts.</p> <p><input type="checkbox"/> confessed to admitting to the below facts. <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.</p> <p>On the 3 day of August, 2021 at 14:42 (Specifically include facts constituting cause for arrest.)</p> <p>On 08/03/2021 at approximately 1621 hours as I was I was running Laser (speed enforcement) at 601 N Federal Hwy, Boca Raton Fl, within the jurisdiction of Palm Beach County.</p> <p>I observed a dark in color 4 door traveling at a high rate of speed traveling southbound on N Federal Hwy. I Initiated my Laser, Dragon Eye Speed Lidar SN 13071 which read a speed of 71mph. The speed limit at this spot is 35 mph. I then initiated a traffic stop on that vehicle, a black BMW bearing Fl Tag: RTM6K. The final stop was 101 E Camino Real. I made contact with the driver, Daniel Porush, who later was identified by his FLDL.</p> <p>It should be noted I first initiated my emergency lights and sirens in my marked patrol vehicle at approximately 200 N federal Hwy. I was directly behind the vehicle which was now traveling at a slower speed of approximately 40mph. The vehicle continued to drive southbound passing multiple safe locations to pull over. I could see in the vehicle and the driver appeared to at first not have any inclination I was attempting to pull him over. The driver continued south bound until the vehicle made a left turn onto E Camino Real. At this point in time a second officer was directly behind my vehicle, also with his emergency lights and sirens activated. The vehicle was not increasing in speed or attempting to make any maneuvers to evade officers. The driver did look in the rearview mirror and see my emergency vehicle. The vehicle then turned left again and entered the property of Via Mizner (101 E Camino Real). The vehicle then entered the underground parking garage and parked in a "30 Minute" parking spot. I was able to make contact with the driver, who took a moment to respond after I knocked on his driver side window. Once he opened his vehicle's door I asked why he did not stop. The driver then attempted to respond but was mumbling his words. I could also see his eyes were watery. When asked why he did not stop after seeing my lights and sirens he responded, " I thought" and shrugged his shoulders as if he did not know. I then asked the driver to step out of the vehicle. The Driver struggled to exit the vehicle using his weight to lean on the</p>									
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>SWORN AND SUBSCRIBED BEFORE ME</p> <p>GREEN, KENNETH JOHN</p> <p>NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</p> <p>08/03/2021</p> <p>DATE</p> </div> <div style="width: 45%;"> <p></p> <p>SIGNATURE OF ARRESTING / INVESTIGATING OFFICER</p> <p>SUPER, MICHAEL RYAN (845)</p> <p>NAME OF OFFICER (PLEASE PRINT)</p> <p>08/03/2021</p> <p>DATE</p> </div> </div>									

OBTS Number		PROBABLE CAUSE AFFIDAVIT SUPPLEMENT		1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias	1	JUVENILE
Agency ORI Number FL 0500200	Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2021-008994		Special Notes:			
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Name (Last, First, Middle) PORUSH, DANIEL M				Race W	Sex M	Date of Birth 02/02/1957	
<p>door. As he walked towards the back of his car he was taking small steps in a waddling motion. While standing still his entire bodied swayed in a circular motion. When I began to ask him simple questions, Porush made the motion he was speaking with his body language but did not actually say words.</p> <p>I then asked if Daniel Porush was willing to participate in field sobriety evaluations in order to dispel my fears of driving while intoxicated, he agreed to participate.</p> <p>Porush was then asked to participate in HGN, I explained the evaluation to Porush. During HGN, Porush was swaying. I was able to observe lack of smooth pursuit, unequal tracking, and onset of Nystagmus prior to 45 degrees. Due to Porush not being able to complete the task because he kept moving his head, therefore I was unable to see Nystagmus at Maximum Deviation. I also observed Porush turn his head while following the stimulus.</p> <p>Porush was then asked to participate in the Walk and Turn, which he stated he agreed to participate. During the Walk and Turn, I explained and demonstrated the evaluation to Porush who stated he understood. While in the instructional phase, Porush did not stand in the proper starting position and kept attempting to walk on the line. I also observed the following clues of impairment: Improper start, improper number of steps, used his arms for balance, and did not take a series of small steps during the turn. Despite Porush stating he understood the instructions I had to repeat them multiple times. During the first attempt Porush did not stop at step nine and turn but instead took eleven steps. Also, after his improper turn he took another 11 steps instead of stopping at nine. During the walk he did not take heel toe steps but walked normally with approximately six inches between each step. He swayed from left to right as he walked and did not walk on the line. He also did not count out loud and let his harms swing each step.</p> <p>During the One Leg Stand, I explained and demonstrated the evaluation to Porush who stated he understood. Porush used his arms for balance, did not count out loud, and placed his foot down halfway through the evaluation. Despite advising he understood he had to be reminded to continue. After being reminded he attempted to begin again. As he lifted his right leg up he slowly began to fall to his left. The other officer on scene had to use his hand to catch Porush from falling. At that point the evaluation was completed.</p> <p>(SEE DUI PACKET FOR SFSE PERFORMANCE) .</p> <p>Based on the totality of circumstances obtained, that are indicative of a person under the influence of alcohol and/or controlled substances to the point that their normal faculties are impaired, the operator/person (Porush) in actual physical control was</p>							
SWORN AND SUBSCRIBED BEFORE ME GREEN, KENNETH JOHN NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 08/03/2021 DATE				<div style="text-align: center;">  SIGNATURE OF ARRESTING / INVESTIGATING OFFICER SUPER, MICHAEL RYAN (845) NAME OF OFFICER (PLEASE PRINT) 08/03/2021 DATE </div>			

OBS Number		PROBABLE CAUSE AFFIDAVIT SUPPLEMENT		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1	JUVENILE
A D M I N I S T R A T I V E	Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT		Agency Report Number 3 2 2021-008994				
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D E F	Name (Last, First, Middle) PORUSH, DANIEL M				Race W		Sex M		Date of Birth 02/02/1957
	<p>placed under arrest for D.U.I. Porush was then placed in handcuffs which were checked for tightness and double locked. Porush was then transported to Boca Raton Police Department for booking. While in the back of the patrol vehicle, Porush was very talkative and I could smell the odor of an alcoholic beverage when opening the door to where Porush was. Porush also stated you are going to ruin my life; no, I know I did but can I get off with a warning. Porush also advised he had taken three of his Diazepam pills an hour ago.</p> <p>Prior to leaving the scene, I found an opened 350ml bottle of Titos Vodka 80 proof, 40% alc/vol in the front seat in his briefcase. Also, a bottle of prescription medication, Diazepam 10 mg (valium) with 7 pills left. The bottle was prescribed as light blue round pills with Teva printed on one side and 3927 printed on the other. The pills were all identical and prescribed to Porush and advised to take one pill twice a day. Though the vehicle was not parked in Porush's assigned spot the front desk advised they do not need to tow the vehicle. The vehicle was left on scene locked and secured.</p> <p>Once at Boca Raton Police Department and after the 20-minute observation period, Porush was read implied consent which he understood and agreed to give a sample of his breath to determine his blood alcohol content (BAC). Breath Tec Operator, Officer A. Horne #791 completed the samples. Porush had a BAC of 0.261 and 0.255.</p> <p>Porush was then read his Miranda Warnings from a pre-printed paper, which he stated he understood and wished to speak with me.</p> <p>Daniel Porush was cited the following citation: Criminal DUI UTC: , pursuant to F.S.S. 316.193(1), for driving while intoxicated (BAC: 0.261,0.255). Also has issued UTC: , pursuant to F.S.S. 316.189(1) for speeding (71/35).</p>								
A D M I N I S T R A T I V E	<p>SWORN AND SUBSCRIBED BEFORE ME</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">GREEN, KENNETH JOHN</p> <p style="text-align: center;">NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</p> <p style="text-align: center;">08/03/2021</p> <p style="text-align: center;">DATE</p> </div> <div style="width: 45%;"> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">SIGNATURE OF ARRESTING / INVESTIGATING OFFICER</p> <p style="text-align: center;">SUPER, MICHAEL RYAN (845)</p> <p style="text-align: center;">NAME OF OFFICER (PLEASE PRINT)</p> <p style="text-align: center;">08/03/2021</p> <p style="text-align: center;">DATE</p> </div> </div>								
<div style="display: flex; justify-content: space-between; width: 100%;"> <div>PAGE</div> <div>3 OF 3</div> </div>									

☒ Left eye does not follow smoothly

☒ Left eye jerks at 45 degrees angle or less

☐ Distinct jerking left eye maximum deviation

☒ Right eye does not follow smoothly

☒ Right eye jerks at 45 degrees angle or less

☐ Distinct jerking right eye maximum deviation

Can not do, Why? He did not follow with eyes, and moved his head

Walk and turn: Would not stand in proper starting position. Improper start, would keep walking during instructions. When he finally was in the position he surveyed and stepped off the line. Took 11 steps just walking normal not heel to toe. Did not count, used his arms for balance and stepped off the line. Improper turn and 11 steps back the same way as the first.

Can not do, Why?

One leg stand: Did Not Count, Placed Foot on the ground, used arms for balance, swayed. He pointed to his right and advised he would use his right ~~foot~~ ~~hand~~ ~~arm~~. Approximately half way through he stopped and looked at me then began and almost fell over but the other officer caught him.

Can not do, Why?

Finger to nose:

Can not do, Why?

Alphabet (speech pattern):

Can not do, Why?

Breath/Blood test results: 1st Sample .261 2nd Sample .255

State of Florida, County of Palm Beach,

Sworn and subscribed before me this 8/3/21 (date) by

Notary/Clerk of Court/ Officer (FSS 117.10)

Date _____

Signature of Arresting Officer

Michael Super
Name of Officer (print)

ARRESTING OFFICER: Off. Super

Name: Off. Super Phone # 501-620- Work # 501-338-1234

Address: 100 NW 2nd Ave, Boca Raton FL 33432

Can testify to: DUI Investigation

Name: Off. Maguire Phone # 501-338-1234 Work #

Address: 100 NW 2nd Ave, Boca Raton FL 33432

Can testify to: DUI Investigation, Buck up Officer.

Name: Off. Horne Phone # 501-620-6294 Work # 501-338-1234

Address: 100 NW 2nd Ave, Boca Raton FL, 33432

Can testify to: Breath Operator

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____



BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT - PART II

To be filled out at testing facility

Agency Case # 2021-8994

I. INTRODUCTION (Instrument Operator faces video camera)

A. The day is Tuesday, August, 3rd, 2021.
(day) (month) (date) (year)

B. The time is now approximately 1737 AM/PM PM

C. The following is in reference to case number 2021-8994

D. Present at this time is Off. Super of the Boca Raton Police Department.
(Officer's Name)

E. Officer Super, have you arrested Daniel Porush in violation of
Florida State Statute 316.193? (Defendant's name)

F. Did this violation occur within the City of Boca Raton, Palm Beach County, Florida? yes

G. Mr./Mrs./Ms. Daniel Porush, I am required to inform you these
proceedings are being video recorded.

Operator Note: Video record breath request, breath sample, and interview.

II. AT THIS TIME THE ARRESTING OFFICER WILL REQUEST A BREATH SAMPLE.

Note: Read only the paragraph applicable to the type of test you are requesting.

- A. I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content.
- B. I am now requesting that you submit to a lawful test of your **URINE** for the purpose of determining the presence of chemical or controlled substances.
- C. I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

IMPLIED CONSENT WARNINGS

Note: Read only if the subject does not comply with your request.

I am _____ of the _____.

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

Subject Signature: _____

Note: Also read for CDL holders:

IN ADDITION, your refusal to submit will result in the loss of your commercial privileges for one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from operating a commercial motor vehicle.

Note: After reading the implied consent warning, the arresting officer must request a breath sample again.

(IF REFUSAL THEN)

At this time Mr./Mrs./Ms. _____ has refused to submit to a breath test.

The date is _____, _____, _____, and the time is _____ AM/PM.
(month) (day) (year)

A refusal form will be completed by the arresting officer.



BOCA RATON POLICE SERVICES DEPARTMENT

JUVENILE CONSTITUTIONAL WARNINGS

Rights of suspects prior to custodial questioning. Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional rights:

- (1) You have the right to remain silent and not answer any questions. *Tell me in your own words what you think this means. (You do not have to talk to me or answer any questions about this offense. You can be quiet if you want.)*
- (2) Any statement you make must be freely and voluntarily given. *Tell me in your own words what you think this means. (If you do talk to me it has to be because you want to and not because anyone is forcing you to speak.)*
- (3) You have a right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning. *Tell me in your own words what you think this means. (You can talk to a lawyer before we ask you any questions and you can have him/her with you now, during our questioning)*
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a court appointed lawyer before you make any statement and during any questioning. *Tell me in your own words what you think this means (If you do not have money for a lawyer and you want one, a lawyer will be given to you for free.)*
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent. *Tell me in your own words what you think this means. (If you decide to talk to me then change your mind, you can stop answering my questions at any time.)*
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will. *Tell me in your own words what you think this means (I am not allowed to threaten you or make you any promises to get you to talk to me. If you decide to talk, it must be because you want to.)*
- (7) Any statement can be and will be used against you in a court of law. *Tell me in your own words what you think this means (Anything you say to me can and will be told to the judge or a jury in court. A judge is a person who decides if you have done something wrong. Sometimes a group of people called a jury decide this, but the Judge is the person who decides what punishment you get.)*
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: _____ Date: _____ Time: _____

Does not apply.



BOCA RATON POLICE SERVICES DEPARTMENT
TESTING FACILITY TASK REPORT

SUBJECT: Daniel M Porush

CASE #: 2021-008994 DATE: 8/3/21

BREATH TEST RESULTS

1) TIME .261 1743 AM/PM (M) 2) TIME .255 1745 AM/PM (M)
3) TIME / AM/PM 4) TIME / AM/PM

BREATH OPERATOR: Off. Horne #791

MAINTENANCE TECHNICIAN: Ctfc. Jeff Van Camp #747

TESTING OFFICER'S OBSERVATIONS

SPEECH: falkative, could not follow simple instructions

ATTITUDE: upset, made statement that officers were ruining his life

CLOTHING: Dress shirt, jeans

MEDICAL CONDITION: N/A

OTHER: a strong odor of an unknown alcoholic beverage was emanating from his person. Subject had glossy red eyes.

COMMENTS: Subject state he took 10mg of cliazepam early in the evening.

Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional rights:

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have a right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a court appointed lawyer before you make any statement and during any questioning.
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will.
- (7) Any statement can be and will be used against you in a court of law.
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: Reed on Camera Date: Time:

QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? yes

Where were you going? Home

What street or highway were you on? Federal

Direction of travel? S

Where did you start driving from? 7900 Glades Rd Boca (work)

What city (county) were you stopped in? Boca Raton

What time did you start? 430 AM/PM What time is it now? 545

What is today's date? Aug 3rd What day of the week is it? Tuesday

When did you last eat? Nothing today ^{Dinner} What did you eat? Hot dog

What have you been doing the past three hours prior to this stop/accident? Working / ^{Drunk last night}

How much do you weigh? 160 Have you been drinking? NO What were you drinking? ^{Tequila last night}

How much? 3-4 shots one Beer Where? Marlins Stadium With whom were you drinking? No one

When did you have your first drink? 8pm ^{last night} AM/PM When did you stop drinking? 11pm last night AM/PM

How did you consume your last two drinks?

Beer / 3 x shots

Are you under the influence of alcohol now?

☐ Yes ☒ No

Can you feel the effects of alcohol?

☐ Yes ☒ No

Have you consumed alcohol since the accident?

☐ Yes ☒ No

Can you feel the effects of alcohol?

☐ Yes ☒ No

Have you consumed alcohol since the accident?

☐ Yes ☒ No How much? _____

What? _____

Where? _____

What line of work are you in? Medical

When did you last work? Today

Do you have any physical defects or injuries?

☐ Yes ☒ No If yes, explain: _____

Are you sick or injured?

☐ Yes ☒ No If yes, explain: _____

Do you limp? ☐ Yes ☒ No

Did you get a bump on the head?

☐ Yes ☒ No

Were you in an accident today? _____

Have you taken any drugs or smoked marijuana today?

no / D-10mg diazepam

What? 10mg Diazepam

When? Earlier in the evening.

Have you seen a doctor or dentist today? ☐ Yes ☒ No Who? _____

Are you taking any prescription medications?

☒ Yes ☐ No What? _____ When? _____

Do you have: Epilepsy? ☐ Yes ☒ No

Inner ear trouble? ☐ Yes ☒ No

Glass eye? ☐ Yes ☒ No

Ear infection? ☐ Yes ☒ No

False teeth? ☒ Yes ☐ No

Diabetes? ☐ Yes ☒ No

Impacts Half

Any problems not correctable by glasses or contact lenses?

Contacts

Do you take insulin? ☐ Yes ☒ No

If yes, when was your last injection? _____

Have you ever had a driver's license in any other state?

NY

I am now ending this video recording. The time is now approximately

5:58

AM/PM. PM

The date is

8

(month)

3

(day)

2021

(year)

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOCA RATON PD
Instrument Serial Number: 80-006622 Software: 8100.27
Date of Test: 08/03/2021

Date of Last Agency Inspection: 07/27/2021

Observation Period Began: 17:15

Subject's Name: DANIEL M PORUSH

DOB: 02/02/1957 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	17:41
	Air Blank	0.000	17:41
	Control Test	0.078	17:42
	Air Blank	0.000	17:42
	Subject Sample #1	0.261	17:43
	Air Blank	0.000	17:43
	Air Blank	0.000	17:45
	Subject Sample #2	0.255	17:45
	Air Blank	0.000	17:46
	Control Test	0.078	17:47
	Air Blank	0.000	17:47
	Diagnostics Check	OK	17:47

Cylinder Lot: 22419980A3
Exp: 10/05/2021

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who () is personally known to me or () produced _____ as identification, and who after being placed under oath, states:

I, _____, 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 in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ #791 Date: 8/3/21
Signature

Sworn to (or affirmed) before me this 3rd day of August, 2021

Michael Super 875
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

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.



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2021019236	Date: 8/4/2021
	Specialist Name/ID: T Howard/7185