## 0509458

# 1958



#### **Arrest Report**

21 CT 20519 SB

FLORIDA HIGHWAY PATROL P.O. BOX 540007, GREENACRES, FL 33454

Report Date / Time Report Number			Case	Case Number/Cad Number Reporting				ting Officer Name							
12/1	1/2021 03	3:22 AM	FHP99AF	RR794855			FHP210N0033652 / M.W. N RCC21IN0050159				. MCD	ONOU	GH		
Originating Agency ORI Occur Date Time Range						Jurisdic	tion				-	A	·		
FLO	509000		12/11/202	21 02:11:38 -									_		
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	County		Location Type	9	1	n Description							,		
	PALM BE		OTHER		NR IN			SR 708 ( BL	LUE HE	ROM E	LVD				
Stree	et Number	Street				Apt/Lot/Bld	g City					State	2	Zip Code	
		NB INTE	RSTATE-95				RIVIE	RA BEACH	1			FL			
Def	endant					ä									
	First Name		Middle Name	e Last Nan	ne	Suf	fix	Race S	ex	Heigh	t	Weight	H	air	Eyes
	DAVID		EDWARD	WILEN:	SKY		1	WHITE N	MALE	508	İ	190	В	RN	GRN
MNI	#	s	SN	Date of Birth	Age	ID Type	Drivers L	cense or othe	r ID	State	OCA /	Agency	ID		*
				06/29/1994	27	E	W45216	5942290		FL					
Plac	e of Birth:	V	YEST PALM	BEACH FL U	INITED	STATES									··········
Add	ress													•	
* R	ESIDENC	E / 305 N	PENNOCK L	N , JUPITER	, FL 33	458 /									
Arr	est					70-		***************************************							
	Arrest Date	/Time	Arrest	Location Type		A	Arrest L	ocation Desc	ription		-			· · · · · · · · · · · · · · · · · · ·	
	12/11/202	21 2:51:00	AM OTHE	R	.4	$\lambda_{\lambda}$	NB IN	TERSTATE	-95 ( SF	≀9)@	SR 7	'08 ( BL	UE H	IERON	BLVD)
Stre	et Number	Street				Apt/Lot/Bld	g Count		City			State		Zip Code	
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Gen	eral Offens	e Code					Arrest	Offense Code	e				27	T	
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Arrest Report

Jung Colo

Page 1 of 4

Report Date / Time 12/11/2021 03:22 AM	Report Number FHP99ARR7948				Reporting Officer Name M.W. MCDONOUGH	
Originating Agency ORI FL0509000				Jurisdiction		
OBTS Number	Othe	r Number		Clearance		

While n patrol in Palm Beach County, while running rear stationary radar on northbound Interstate-95 (State Road 9) at 45th Street, I observed a pickup truck traveling north on Interstate-95 at a very high rate of speed. I visionary estimated the vehicle at a rate of speed of 100 to 105 miles per hour in a 65 miles per hour zone. My Stalker Dual rear radar, serial number DC 090630 had a very high tone and it's counting unit it showed the pickup, the only vehicle in the area, with a speed of 107 miles per hour in a 65 miles per hour zone.

I then placed my fully marked patrol in forward gear and started forward in an attempt to over take the vehicle with the attempt of a traffic stop on the gray GMC Sierra pickup (FL tag "HHQV46"). I activated my patrol vehicle emergency blue lights and the gray pickup slowed down, and stopped on the right paved shoulder of northbound Interstate-95 just before the exit for State Road 708 (Blue Heron Blvd). I exited my patrol vehicle and walked up the driver side window and first met with it's male driver later identified as Mr David Edward Wilensky (FL DL # W-452-165-94-229-0). I advised why I stopped the reason why I stopped his vehicle. While I was talking to Mr. Wilensky, while still in his vehicle, I observed that Mr. Wilensky had bloodshot watery eyes and slurred speech. A short time later I had Mr. Wilensky exit his vehicle and walk balk to the front of my patrol unit. As Mr. Wilensky was walking back towards my vehicle, I observed a water stain on the front of his tan in color shorts.

When he exited his vehicle and I came face to face with him, I observed that Mr. Wilensky emitted a strong odor of alcohol from his breath and person. I asked him where he was going where he stated that he was going home to the Jupiter, FL area. I then asked where he was coming from he stated that he was coming from a birthday party that was at restaurant called "Greece "in the downtown area of West Palm Beach, FL. I asked Mr. Wilensky if he had consumed any alcoholic drinks, he stated that he only had one drink around 930pm-10pm. During the questioning, he slightly swayed.

Based on my observations, I asked Mr. Wilensky if he would submit to roadside soberly exercises. At first he stated he might have to speak to a lawyer, but I advised him that he did not have a right to a lawyer at the time. Moments later Mr. Wilensky stated that he would submit to the exercises. I asked if he wore galsses, he stated that he does not wear glasses. I asked if he had any medical

Arrest Report Page 2 of 4

Report Date / Time 12/11/2021 03:22 AM	Report Number FHP99ARR794855	Case Number/Cad Number FHP210N0033652 / RCC21IN0050159	Reporting Officer Name M.W. MCDONOUGH
Originating Agency ORI FL0509000	Occur Date Time Range 12/11/2021 02:11:38 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

issues. Mr. Wilensky stated that he has had medical issues wit his left knee. The first exercise was "HGN". Mr. Wilensky had lack of smooth pursuit, rapid pupil movement( nystagmus ) on both left and right eyes, and prior to forty five degrees. During the exercise Mr. Wilensky slightly swayed.

The next exercise was the "Walk And Turn". I layered down a long piece of grey in color duct tape on the right paved shoulder. I the instructed the exercise for Mr. Wilensky. On the first nine steps Mr. Wilensky stepped on the line on the fourth step, did not keep heel to toe on step 7, 8, and 9, and slightly raised his arms. On the return nine steps,he did not keep heel to toe, swayed, and held his arms and hands interlocked behind his back.

The third exercise was the "One Leg Stand ". Mr. Wilensky wore brown in color boat style shoes/dress shoes. During the exercise Mr. Wilensky slightly swayed, put his left foot down on count 7 one thousand, also on count 12 one thousand, and raised his arms.

Based on the evidence I placed Mr. Wilensky under arrest at 2:51 ( Dec. 11, 2021 ) for driving under the influence, and placed him in my marked patrol unit. I then transported him to the Palm Beach County breath testing center. I arrived at the breath testing center at 3:26am. After a twenty minute observation where Mr. Wilensky did consumed any food or liquid, and did not vomit, Mr. Wilensky was placed on camera in the testing center and I asked Mr. Wilensky if he would submit to a breath sample. Mr. Wilensky asked about speaking to a lawyer for an answer to the breath request. He was advised that he did have a right to a lawyer at the that time. Due to Mr. Wilensky not giving an answer, I the then read Florida's Implied Consent. Mr. Wilensky then stated that he would submit to the breath sample request. The breath request samples given returned with 0.173 and 0.168 g/210L.

I then finished my report and transported Mr. Wilensky to the booking center at the Palm Beach County Main Jail.

All occurred in Palm Beach County. The traffic stop, interview, arrest, and transportation to the breath testing center was recorded by my patrol vehicle's dash camera.

Jail Booking Facility

Report Date / Time	Report Numb	er		Case Number/Cad	Numb		D			
12/11/2021 03:22 AM	24 00 00 020				FHP210N0033652 /			Reporting Officer Name M.W. MCDONOUGH		
				RCC21IN00501			M.W. MCD	DNOUGH	l	
Originating Agency ORI					Jurisdiction					
FL0509000	12/11/2021	02:11:38 -								
OBTS Number		Other Number	er		Clean	ance		·		
Booking Date/Time	Booking Cou	nty	Booking Fa	acility				15		
	PALM BEA	•	1	EACH COUNTY C		CTIONS		1	g Facility Phone	
Booking Facility Location			I ALIII DE	-AON COOKING				(561)	688-4400	
3228 GUN CLUB ROAD	WEST PALM	REACH EL	OPIDA 22	406		Booking N	umber			
Booking Comments	TTEOT I ALII	DEAON, FE	ORIDA 33	9400						
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Court	4	OU WEST A	ILANIIC	AVE. DELRAY BE	ACH			<del> </del>		
PALM BEACH SOUTH C	OUNTY COU	DTHOUGE		Court Phone		14	Appereance Dat	e / Time	Court Fine	
Comments	CONTICOU	KIHOUSE		561-274-1530		01/1	1/2022 900/	<u> </u>		
Comments						SA				
	<del></del>									
Officer Name		Involveme	ent On Repo	ort /			Officer Acces			
Rank / ID #			orting Role				Officer Agend Org/Unit	y		
M.W. MCDONOUGH		REPORT	ING OFFIC	FLORIDA	HIGH	WAY PA	TROL			
TPR	2772		- OFFIC	FHPLILWE	RCC\F	ALM BE	ACH\SR702 T	O MART	IN LN	
The undersigned certific	e and ewoor	o that halah								
The undersigned certifie committed violation(s), or	of law, on the	s mai ne/sr helow data	e nas just (s) and ti	and reasonable	grou	nds to be	elieve that the	above r	amed Defendant,	
(-7)	, , a, , , , , , , , , , , , , , , , ,	DOIOW Gale	(S) and u	ine(s), as listed if	i the	probable	cause assoc	iated wit	h this report:	
Reporting Officer		ر								
Officer Name	Office	Rank	Officer ID I	No Sworn and	subsc	ribed bef	ore me, the un	dersigne	1 authority	
M.W. MCDONOUGH	TPR		2772	This the			<b>-</b>	aciagnet	adinonly	
Officer Agency				1			MOTARY		NFORCEMENT	
FLORIDA HIGHWAY PAT	ROL			10210110		_ COOK I	, NOTART OF	K LAW E	NFORCEMENT	
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Officer Signature	M. W									
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			·	Signa	ature o	f Assistant	State Attorney		Date	

## 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: 80-001741 Software: 8100.27

Date of Test: 12/11/2021

Date of Last Agency Inspection: 12/03/2021

Observation Period Began: 03:26 Subject's Name: DAVID E WILENSKY

DOB: 06/29/1994 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	03:57	
	Air Blank	0.000	03:57	
	Control Test	0.079	03:58	
	Air Blank	0.000	03:58	
	Subject Sample #1	0.173	03:59	
	Air Blank	0.000	04:00	
	Air Blank	0.000	04:01	
	Subject Sample #2	0.168	04:02	
	Air Blank	0.000	04:03	
	Control Test	0.077	04:93	
	Air Blank	0.000	04:03	
	Diagnostics Check	OK	¢4:03	

State of Florida, County of Palm Beach,

Cylinder Lot: 02021080A1

Personally appeared b	efore me	the u	ndersi	gned	authority	who	<u>يا</u> ) د	/ is	persona	ally kr	own to	me or
<pre>() produced</pre>		<del> </del>	as i	denti	fication,	and	who	after	being	placed	under	oath,

I RENEE M RAGIN , 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.

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 DUI TESTING FACILITY INFORMATION SHEET

PBSO CASE # 21.136870	PBSO ZONE $3-13$
agency case # FHP2101003652	CRASH CASE #
TIME OF STOP/CRASH 2:16 GW DATE 16	2-11-21 DAY 3at
SUBJECT'S NAME David E Wilensky	race w sex Male
HGT 508 WGT	DOB 6/21/94
LOCATION NB Interstate 95 at	Blue Haron Blud
ARRESTING OFFICER'S NAME & ID M. Willonough	1772/855 AGENCY FHP
DIVISION: L-Palm Beach	NOTIFIED BY COMMO
	ARRIVAL AT FACILITY 3326cm
BREATH RESULTS:	Arrest Time 2;51 au
.173	
2	
3. N/A	
4. N/A	
TESTING OFFICER'S ID 16877	

### **TESTING FACILITY TASK REPORT**

	AGENCY: FHP
SUBJECT: Wilensky, David E.	CASE NUMBER: 21-136870
DATE: Dec 11, 2021	VIDEO DVD NUMBER: N/A
BEGINNING TIME: 03:51	ENDING TIME: 04:07
BREATH TESTS RESULTS: 1) .173 TIME 03:59 A.M.⊠	P.M.
3) N/A TIME A.M.	P.M 4) N/A TIME A.M P.M
BREATH OPERATOR: R. Ragin #16877	
MAINTENANCE TECHNICAN: Jason Karlecke #6467	
TESTING OFFICER'S OBSERVATIONS	
SPEECH: Slurred, Accent, Mumbled	
ATTITUDE: Talkative, fidgety, agitated	
CLOTHING: Tan shorts, black LS shirt, brown shoes	
MEDICAL CONDITIONS: None	
MEDICATIONS: None	
OTHER:	
Eyes are glassy & bloodshot Odor of unknown alcoholic beverage on breath	
COMMENTS:	
Arrived at center A/O started 20 minute observ	vation period at 03:26 hrs.
Subject refused to perform breath test.	
A/O read I/C and subject stated he understood	I/C.
Subject agreed to take test.  Tech read breath test results.	
Subject stated ok.	
A/O read rights. Subject stated he understood rights.	
A/O attempted Q&A. Subject invoked the right to counsel.	

#### **TESTING FACILITY TASK REPORT**

	AGENCY: FHP
SUBJECT: Wilensky, David E.	CASE NUMBER: 21-136870
DATE: Dec 11, 2021	VIDEO DVD NUMBER: N/A
BEGINNING TIME: 03:51	ENDING TIME: 04:07
BREATH TESTS RESULTS: 1) .173 TIME 03:59 A.M.⊠ F	P.M.
3) N/A TIME A.M. 6	P.M A.M P.M
BREATH OPERATOR: R. Ragin #16877	
MAINTENANCE TECHNICAN: Jason Karlecke #6467	
TESTING OFFICER'S OBSERVATIONS	
SPEECH: Slurred, Accent, Mumbled	
ATTITUDE: Talkative, fidgety, agitated	
CLOTHING: Tan shorts, black LS shirt, brown shoes	
MEDICAL CONDITIONS: None	
MEDICATIONS: None	
OTHER:	
Eyes are glassy & bloodshot Odor of unknown alcoholic beverage on breath	
COMMENTS:	
Arrived at center A/O started 20 minute observ	ation period at 03:26 hrs.
Subject refused to perform breath test.	
A/O read I/C and subject stated he understood	I/C.
Subject agreed to take test.	
Tech read breath test results. Subject stated ok.	
A/O read rights. Subject stated he understood rights.	
A/O attempted Q&A. Subject invoked the right to counsel.	

subject: Wilensky	, David E	CASE NUMBER:
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## IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

n now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol tent.
OR-
n now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of mical or controlled substances.  OR-
n now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content the presence of chemical or controlled substances.
NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.
of the
n of the
ou fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a joing of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have uested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test our breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you dmissible into evidence in any criminal proceeding.
BIECT'S SIGNATURE: (X)
CONSTITUTIONAL WARNINGS
M REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:
You have the right to remain silent and not answer any questions.
Any statement must be freely and voluntarily given.
You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
I can make no threats or promises to induce you to make a statement. This must be of your own free will.
Any statement can and will be used against you in a court of law.
SPECT'S SIGNATURE: (X) Read on Camera

SUBJECT:	Wilensk	, David	E.	CASE NUMBER:	
		,	ZIONS	AND ANSWEI	5

PBSO #0129C REV. 9/93

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE. WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? 10 WHERE WERE YOU GOING? WHAT STREET OR HIGHWAY WERE YOU ON? \_\_\_\_\_ DIRECTION OF TRAVEL? WHERE DID YOU START? \_\_\_\_\_ WHAT TIME IS IT NOW? WHAT TIME DID YOU START? WHAT DAY OF THE WEEK IS IT? WHAT IS TODAY'S DATE? WHAT COUNTY AND CITY ARE YOU IN NOW? WHAT DID YOU EAT? \_\_\_ WHEN DID YOU LAST EAT? WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? HOW MUCH DO YOU WEIGH? \_\_\_\_\_ HAVE YOU BEEN DRINKING? WHAT? \_\_\_\_ HOW MUCH? \_\_\_\_\_ WHERE? \_\_\_\_ WITH WHOM? AND YOUR LAST DRINK? WHEN DID YOU HAVE YOUR FIRST DRINK?\_\_\_ HOW DID YOU CONSUME YOUR LAST TWO DRINKS? ARE YOU UNDER THE INFLUENCE? CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? HOW MUCH? \_\_\_\_\_ WHAT? WHERE? WHEN? \_\_\_\_\_ WHAT LINE OF WORK ARE YOU IN? \_\_\_ WHEN DID YOU LAST WORK? \_\_\_\_ DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? \_\_\_\_\_ WHAT? ARE YOU SICK OR INJURED? \_\_\_\_\_\_WHAT'S WRONG? \_\_\_\_\_ DO YOU LIMP? \_\_\_\_ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? \_\_\_\_ WERE YOU IN AN ACCIDENT TODAY? HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? WHEN? HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? \_\_\_\_\_ WHO? \_\_\_\_ WHEN? ARE YOU TAKING ANY PRESCRIPTION MEDICINES? WHAT? DO YOU HAVE: **EPILEPSY? GLASS EYE?** FALSE TEETH? EAR INFECTION? INNER EAR TROUBLE? **DIABETES?** DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? DO YOU TAKE INSULIN? IF SO, WHEN WAS YOUR LAST INJECTION? HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? WHERE? INTERVIEWER:\_ WHITE STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL



#### Palm Beach County Sheriff's Office - Arrests Only

	х	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.	
Public Info. Exemptions		985.04(1)	Juvenile offender records.	
		119.071(h)(i)	Assets of a crime victim.	
		395.3025(7)(a), 456.057(7)(a)	Medical information.	
		394.4615(7)	Mental health information.	
		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:	
		<b>&gt;</b>	Other:	

#### REVIEW COMPLETED BY

Booking Number: 2021031195	Date: 12/12/2021
	Specialist Name/ID: A. Pinkney/7796