



# Arrest Report

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

Report Date / Time 5/27/2021 03:41 PM	Report Number FHP99ARR835188	Case Number/Cad Number FHPL21OFF033539 / LWRC21CAD094581	Reporting Officer Name GUERRIER, JEFFERSON
Originating Agency ORI	Occur Date Time Range 05/27/2021 14:07:35 -	Jurisdiction	Clearance

## Location of Occurrence

County PALM BEACH	Location Type X23 OFFICE DEPOT CONGRESS/804	Location Description
Street Number I-95 SB NOF	Street	Apt/Lot/Bldg BOYNTON BEACH
City FL	State FL	Zip Code 33435

## Defendant

First Name DAVID	Middle Name JOHN	Last Name LONGHITANO	Suffix	Race WHITE	Sex MALE	Height 510	Weight 195	Hair BRO	Eyes GRN
MNI #	SSN	Date of Birth 06/21/1973	Age 47	ID Type E	Drivers License or other ID L523170732210	State FL	OCA / Agency ID		
Place of Birth:	QUEENS NY US								
Address * RESIDENCE / 13465 88TH PLACE N , WEST PALM BEACH, FL 33412 /									

## Arrest

Arrest Date/Time 5/27/2021 3:15:18 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description OFFICE DEPOT
Street Number 260	Street N CONGRESS AVE	Apt/Lot/Bldg
County PALM BEACH	City BOYNTON BEACH	State FL
Zip Code 33426		

## Charge : S

Counts 1	Charge 316.193.1a	Bond Amount \$0.00	No Bond
Charge Degree S	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI INFLUENCE OF ALCOHOL OR DRUGS			

## Bond Set by Court

Bond Amount	No Bond
Bond Type(s)	

## Probable Cause

On May 27th 2021, while on routine patrol at approximately 2:10 PM I Trooper Guerrier was dispatched to an unresponsive driver slumped over the wheel partially blocking the outside right lane on Interstate 95 southbound north of Boynton Beach Boulevard. While en route to the location dispatch was advised

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by the road ranger on scene that the driver woke up and left the scene and continued westbound on Boynton Beach Boulevard. While patrolling westbound on Boynton Beach Boulevard I observed a blue in color SUV bearing the license plate AMIA85 which matched the description. The vehicle made a U-Turn on Boynton Beach Boulevard intersecting Congress Avenue. I then proceeded after the vehicle and activated my emergency equipment. The vehicle pulled into the gas station located on Congress Avenue and Boynton Beach Boulevard. The vehicle continued east and passed several gas pumps failing to stop. The vehicle also failed to stop at a stop sign and continued through the parking lot of Office Depot just southeast of the intersection. The vehicle finally came to a delayed stop in a parking space and a White Male later identified by Florida Driver's License as David Longhitano (L523170732210) exited the vehicle without instruction. I immediately advised the driver to stay inside the vehicle until instructed other wise.

I approached the Driver's side door and advised the driver that I was conducting a welfare check on a vehicle matching the description of his vehicle. Mr. Longhitano denied traveling on the Interstate and advised that he was coming from Delray Beach. I asked Mr. Longhitano for his Driver's License, registration, and proof of insurance and Mr. Longhitano only provided his Driver's License. I then asked Mr. Longhitano for his registration and proof of insurance again and he failed to provide it after several request. The Road Ranger (Benedetto Russo) arrived on scene and confirmed that was the vehicle he stopped out with and that was the gentleman driving. He advised that he tried banging on the window to get the driver's attention and the driver gave him a blank stare and drove off. A witness statement was obtained by Trooper Alexandre and will be included in the packet.

During the interaction with the driver I observed bloodshot watery eyes, dry mouth, slurred speech, and a flushed face. Based on the signs of impairment and the call received by dispatch I requested that Mr. Longhitano voluntarily partake in Standard Field Sobriety Exercises. I then had Mr. Longhitano step outside of the vehicle and wait at the rear of his vehicle. During the exercises I noticed Mr. Longhitano had trouble keeping balance and requested EMS to medically check out Mr. Longhitano. EMS arrived on scene and medically cleared Mr. Longhitano. I again asked Mr. Longhitano to voluntarily partake in the Standard Field Sobriety Exercises and he agreed. All exercises were done on flat leveled asphalt during daylight hours.

Horizontal Nystagmus Gaze: I observed equal pupil size and equal tracking. I observed a lack of smooth pursuit in both eyes and distinct and sustained nystagmus deviation at maximum deviation. I also observed an onset of nystagmus prior to 45 degrees with both eyes. During the exercise Mr. Longhitano had difficulty following the stimulus with his eyes. Instructions were repeated numerous times however Mr. Longhitano had difficulty keeping his head still and following with his eyes only. Mr. Longhitano had to be reminded several times to keep his hands at his side. During the Exercise Mr. Longhitano had an orbital sway

Walk and Turn: Mr. Longhitano was given verbal instruction to maintain the starting position while I demonstrated the exercise but could not keep balance. Mr. Longhitano fell out of position several times during the instructional phase. For the safety of Mr. Longhitano and his inability to maintain his balance

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I concluded the Walk and Turn Exercise.

One Leg Stand: I explained and demonstrated the exercise to Mr. Longhitano. Mr. Longhitano could not safely lift his right leg up 6 inches off the ground to conduct the exercise. For Mr. Longhitano's safety we concluded the exercises.

Based on the totality of circumstances, there was probable cause to arrest Mr. Longhitano for Driving Under the Influence. I then placed Mr. Longhitano under arrest. The vehicle was driven on the flatbed by Priority towing.

Mr. Longhitano was transported to BAT at 4:15 PM.

I then conducted a 20 minute observation starting at 4:16 PM. During a 20-minute observation was conducted and at no time did Mr. Longhitano regurgitate or take anything by mouth. I requested that Mr. Longhitano provided a breath sample and he agreed. Mr Longhitano provided two breath samples. The first one was .306 and the second was .317

Mr. Longhitano was then transported and released from Good Samaritan ER. After the release, Trooper Gonzalez transported Mr. Longhitano to the Palm Beach County Jail by Trooper Gonzalez ID # 4519

Mr. Longhitano was then booked in the Palm Beach County Jail without incident.

All events occurred in Palm Beach County.

#### Jail Booking Facility

Booking Date/Time <b>5/27/2021 06:00 PM</b>	Booking County <b>PALM BEACH</b>	Booking Facility <b>PALM BEACH COUNTY CORRECTIONS</b>	Booking Facility Phone <b>(561) 688-4400</b>
Booking Facility Location <b>3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406</b>			Booking Number
Booking Comments			

#### Court

Court County <b>PALM BEACH</b>	Court Location <b>200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444</b>		
Court <b>PALM BEACH SOUTH COUNTY COURTHOUSE</b>	Court Phone <b>561-274-1530</b>	Court Appearance Date / Time <b>06/22/2021 1:00PM</b>	Court Fine
Comments			

Officer Name  
Rank / ID #

Involvement On Report  
Reporting Rule



Officer Agency  
Org/Unit

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<b>GUERRIER, JEFFERSON</b> <b>TPR</b>	<b>4788</b>	REPORTING OFFICER <b>FLORIDA HIGHWAY PATROL</b> <b>FHPL\LWRCC\PALM BEACH\BROW LN TO SR804</b>
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The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s) of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

**Reporting Officer**

Officer Name <b>GUERRIER, JEFFERSON</b>	Office Rank <b>TPR</b>	Officer ID No <b>4788</b>	Sworn and subscribed before me, the undersigned authority This the <u>27</u> day of <u>May</u> <u>2021</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency <b>FLORIDA HIGHWAY PATROL</b>			
Officer Signature 			

<input type="radio"/> No Bill / Petition	<input type="radio"/> Issue Warrant	<input type="radio"/> Prosecution Approved	Signature of Assistant State Attorney	Date
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PALM BEACH COUNTY SHERIFF'S OFFICE  
DUI TESTING FACILITY  
INFORMATION SHEET

PBSO CASE # 21-069890 PBSO ZONE 6-12  
AGENCY CASE # FHP121CFF033539 CRASH CASE # \_\_\_\_\_  
TIME OF STOP/CRASH 1428 DATE 5/27/21 DAY Thursday  
SUBJECT'S NAME David Longhitano RACE W SEX M  
HGT 5'10" WGT 195 DOB 6/21/73  
LOCATION 260 N Congress Ave Boynton Beach FL 33426  
ARRESTING OFFICER'S NAME & ID Guerrier #4988 AGENCY FHP  
DIVISION: Palm Beach  
NOTIFIED BY COMMO Y  
ARRIVAL AT FACILITY 1616  
Arrest Time 1515  
BREATH RESULTS:  
1. .306  
2. .317  
3. N/A  
4. N/A  
TESTING OFFICER'S ID 24639

# TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: LONGHITANO, DAVID J

DATE: May 27, 2021

BEGINNING TIME: 16:42

ENDING TIME: 16:59

CASE NUMBER: 21-069890

VIDEO DVD NUMBER: N/A

BREATH TESTS RESULTS: 1) .306 TIME 16:46 A.M. ☐ P.M. ☒ 2) .317 TIME 16:50 A.M. ☐ P.M. ☒  
3) N/A TIME N/A A.M. ☐ P.M. ☐ 4) N/A TIME N/A A.M. ☐ P.M. ☐

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICIAN: J. KARLECKE# 6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, QUIET

CLOTHING: BLUE SHORTS, GRAY T-SHIRT,

MEDICAL CONDITIONS: HIGH BLOOD PRESSURE

MEDICATIONS: N/A

## OTHER:

EYES: GLASSY AND BLOODSHOT

## COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 16:16 HRS.

SUBJECT: AGREED TO TAKE TEST

A/O: READ RIGHTS

SUBJECT: STATED HE UNDERSTOOD RIGHTS

TECH: READ TEST RESULTS

SUBJECT: STATED HE UNDERSTOOD TEST RESULTS

A/O: CONDUCTED Q&A

SUBJECT: ANSWER QUESTIONS

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A/O: CONDUCTED Q&A

SUBJECT: ANSWER QUESTIONS

**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: 80-006029 Software: 8100.27  
Date of Test: 05/27/2021

Date of Last Agency Inspection: 05/14/2021

Observation Period Began: 16:16

Subject's Name: DAVID J LONGHITANO

DOB: 06/21/1973 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		16:45
Air Blank	0.000	16:45
Control Test	0.081	16:45
Air Blank	0.000	16:46
Subject Sample #1	0.306	16:46
Air Blank	0.000	16:47
Air Blank	0.000	16:49
Subject Sample #2	0.317	16:50
Air Blank	0.000	16:50
Control Test	0.079	16:51
Air Blank	0.000	16:51
Diagnostics Check OK		16:51

Cylinder Lot: 22620080A2  
Exp: 10/05/2022

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 PARIS D POUND, 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: \_\_\_\_\_

Signature

Date: 05/27/21

Sworn to (or affirmed) before me this 27<sup>th</sup> day of MAY, 2021

Signature of Notary Public-State of Florida

TPR. J. GUERRIER

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.



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BREATH ALCOHOL TEST AFFIDAVIT

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Subject Sample #1	0.306	16:46
Air Blank	0.000	16:47
Air Blank	0.000	16:49
Subject Sample #2	0.317	16:50
Air Blank	0.000	16:50
Control Test	0.079	16:51
Air Blank	0.000	16:51
Diagnostics Check	OK	16:51

Cylinder Lot: 22620080A2  
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SUBJECT: LONGHITANO, DAVID J CASE NUMBER: FHPL21OFF03579

## QUESTIONS AND ANSWERS

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? N

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? Beach Blvd and Congress

DIRECTION OF TRAVEL? N/A WHERE DID YOU START? All over Fort Lauderdale

WHAT TIME DID YOU START? 8:00 Am WHAT TIME IS IT NOW? Probably 3

WHAT IS TODAY'S DATE? May WHAT DAY OF THE WEEK IS IT? Fri

WHAT COUNTY AND CITY ARE YOU IN NOW? Palm Beach West Palm

WHEN DID YOU LAST EAT? Morning 8 Am WHAT DID YOU EAT? Hard boiled Egg

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Dealing w/ you guys

HOW MUCH DO YOU WEIGH? 190 HAVE YOU BEEN DRINKING? N WHAT?

HOW MUCH?  WHERE?  WITH WHOM?

WHEN DID YOU HAVE YOUR FIRST DRINK?  AND YOUR LAST DRINK?

HOW DID YOU CONSUME YOUR LAST TWO DRINKS?

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL?  ARE YOU UNDER THE INFLUENCE?

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT?  HOW MUCH?

WHAT?  WHERE?  WHEN?

WHAT LINE OF WORK ARE YOU IN? IT WHEN DID YOU LAST WORK? Today

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES?  WHAT? 3 Herniated discs in back

ARE YOU SICK OR INJURED? N WHAT'S WRONG?

DO YOU LIMP? N DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? Y

WERE YOU IN AN ACCIDENT TODAY? N

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? N WHEN?

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? N WHO?  WHY?

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? Y WHAT? Blood Pressure WHEN? Today

DO YOU HAVE:	EPILEPSY?	<u>N</u>
	GLASS EYE?	<u>N</u>
	FALSE TEETH?	<u>N</u>
	EAR INFECTION?	<u>N</u>
	INNER EAR TROUBLE?	<u>N</u>
	DIABETES?	<u>N</u>

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? N

DO YOU TAKE INSULIN? N IF SO, WHEN WAS YOUR LAST INJECTION?

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? N WHERE?

INTERVIEWER: [Signature] # 4788 [Signature]  
WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

SUBJECT: LONGHITANO, DAVID J CASE NUMBER: RHP 210FF033539

## IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

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

I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.

-OR-

I am now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of chemical or controlled substances.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am TRP. GUERRER of the RHP.

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'S SIGNATURE: (X) \_\_\_\_\_

Read On Camera

## CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence 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 of a court appointed lawyer before you make any statements 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 and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X) \_\_\_\_\_

Read On Camera



**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	—	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:	
	—		Other:	

REVIEW COMPLETED BY

Booking Number: 2021012953

Date: 5/28/21

Specialist Name/ID: A. Pinkney/7796