

22CT3266ASB

831

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile		N									
Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE				Agency Report Number (N.T.A.'s only) 06-22-041021															
Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Weapon Seized / Type 2		Multiple Clearance Indicator 01																	
Location of Arrest (Including Name of Business) South Military Tr / Palmetto Park Road, Boca Raton, FL 33486						Location of Offense (Business Name, Address) South Military Tr / Palmetto Park Road, Boca Raton, FL 33486															
Date of Arrest 02/27/2022		Time of Arrest 20:56		Booking Date 02/27/2022		Booking Time		Jail Date		Jail Time		Location of Vehicle Wayway Towing, 1700 NW 1st Ave, Boca Raton, FL 33432, (561) 368-4466									
Name (Last, First, Middle) Swanson, Denise, Ann												Alias (Name, DOB, Soc. Sec. #, Etc.)									
Race W - White I - American Indian B - Black O - Oriental/Asian		Sex W		Date of Birth 3/12/1964		Height 5'04		Weight 140		Eye Color brown		Hair Color blonde		Complexion light		Build small					
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) none												Marital Status Married		Religion CATHOLIC		Indication of Alcohol Influence Drug Influence Y ☐ N ☐ Unk. ☐					
Local Address (Street, Apt. Number) (City) (State) (Zip) 2676 Emerald Way Cir, Deerfield Beach, FL 33442						Phone (312) 485 2957						Residence Type: 1. City 2. County 3. Florida 4. Out of State 2									
Permanent Address (Street, Apt. Number) (City) (State) (Zip)						Phone ()						Address Source DL									
Business Address (Name, Street) (City) (State) (Zip)						Phone ()						Occupation manager									
DL Number, State SS25161645920, FL				Soc. Sec. Number				INS Number				Place of Birth (City, State) Cincinnati, OH		Citizenship US							
Co-Defendant Name (Last, First, Middle)						Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile									
Co-Defendant Name (Last, First, Middle)						Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile									
Parent Legal Custodian Name (Last) (First) (Middle) ☐ Other: ()												Residence Phone ()									
Address (Street, Apt. Number) (City) (State) (Zip)												Business Phone ()									
Notified by: (Name) (City) (State) (Zip)												Date		Time							
Released To: (Name) Relationship												Date		Time							
The above address provided by ☐ defendant and / or ☐ 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. ☐ Yes, by: (Name) ☐ No: (Reason)												School Attended		Grade							
Property Crime? ☐ Yes ☐ No Description of Property												Value of Property									
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic		R. Smuggle D. Deliver E. Use		K. Dispense/ 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. Synthetics		U. Unknown Z. Other	
Charge Description Driving Under the Influence with property damage						Counts 1		Domestic Violence ☐ Y ☒ N		Statute Violation Number 316.193(3)(c)(1)				Violation of ORD #							
Drug Activity N		Drug Type N		Amount / Unit		Offense # 22-041021		Warrant / Capias Number				Bond									
Charge Description						Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number				Violation of ORD #							
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number				Bond									
Charge Description						Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number				Violation of ORD #							
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number				Bond									
Charge Description						Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number				Violation of ORD #							
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number				Bond									
Location (Court, Room Number, Address) South County Courthouse, Courtroom #1, 200 W. Atlantic Ave., Delray Beach, FL 33444 - Ph: (561) 355-2996																					
Court Date and Time Month March Day 24 Year 2022 Time 08:30 AM ☒ PM ☐																					
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 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. 02/27/2022																					
Signature of Defendant (or Juvenile and Parent /Custodian)														Date Signed							
HOLD for other Agency Name				Signature of Arresting Officer X				Name Verification (Printed by Arrestee) ROSE SWANSON													
☐ Dangerous ☐ Suicidal ☐ Resisted Arrest ☐ Other:				Name of Arresting Officer (Print) Inv. POINTU P.				I.D. # 16032													
Intake Deputy I.D. # Pouch #				Transporting Officer D/S POINTU P.				ID # 16032				Agency PBSO									
Witness Signature (Printed by Defendant)														PAGE 1							

DISTRIBUTION: WHITE - COURT COPY
PBSO #148 REV. 8/97

GREEN - STATE ATTORNEY

YELLOW - AGENCY

PINK - AGENCY

GOLD - DEFENDANT (N.T.A.'s ONLY)

FEB 28 2022

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 27 DAY OF February 20 22, AT 18:49 AM ☒ PM

SUBJECT: Swanson, Denise, Ann CASE NUMBER: 22-041021

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. POINTU P.

PERSONAL CONTACT

DRIVING PATTERN: Actual physical control (physical evidence or statements putting def. behind wheel of vehicle)

Denise Swanson was driving a BMW 228i bearing Florida tag QLIT19 on lane 1 of westbound Palmetto Park Road, just East of the intersection with South Military trail in unincorporated Boca Raton, Palm Beach County, Florida. A Subaru bearing Florida tag JGMT37 that was driven by Hugh McCaffrey, was stopped first in line at the red traffic light in front of the BMW. The BMW rear ended the Subaru. The BMW then rear ended again the Subaru. McCaffrey exited his vehicle and observed Swanson on the driver seat who appeared to be confused. The BMW then backed up fast and hit a Porsche bearing Florida tag BNHI83 that was stopped behind it. The Porsche was registered to and driven by Henry Rosen. Swanson was identified by her Florida driver license. She was also the registered owner of the BMW.

OBSERVATION OF DRIVER:

Swanson had glassy and bloodshot eyes. Her speech was slurred and an obvious odor of unknown alcoholic beverage was coming from her breath. Her gait was unsteady.

DRIVER'S STATEMENTS:

In a spontaneous utterance, Swanson told D/S Borut (#5645) she drank two glasses of wine. Later, while under arrest, she again made spontaneous utterances to me stating she only drank two big glasses of wine.

ODORS:

Obvious odor of unknown alcoholic beverage that become stronger when she talked.

GENERAL OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Talkative, cooperative

CLOTHING: multicolor dress

MEDICAL/OTHER: diverticulitis, no medications

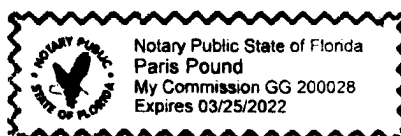
STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. POINTU P.
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 27 day of February 20 22 by Inv. POINTU P.

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced known

Paris Pound (#24639)
Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



SUBJECT: Swanson, Denise, Ann

CASE NUMBER 22-041021

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:



LT EYE-LACK OF SMOOTH PURSUIT



RT EYE-LACK OF SMOOTH PURSUIT



LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION



RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION



LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES



RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Pupils round and equal. No resting nystagmus. Equal tracking. Onset of HGN at approximately 40 degrees. VGN present. Swayed during the task. Had to be reminded multiple times to follow the stimulus as she was anticipating its movements.

WALK & TURN:

Swanson was unable to maintain the instructional stance. She did not walk heel to toe on every steps. She stepped of the line and stopped the task before it was completed.

ONE LEG STAND:

Swanson lowered her foot to the ground almost immediately and lost her balance. I stopped the task for safety reasons.

FINGER TO NOSE:

Swanson used the pad of her fingers on all tasks instead of the tip. She had to be reminded on task 1 to lower her hand. On task 5 she touched her nostril instead of the tip of her nose. She swayed during the task.

ROMBERG ALPHABET:

Swanson swayed during the task but recited the alphabet properly.

BREATH TEST RESULTS: Refusal

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. POINTU P.

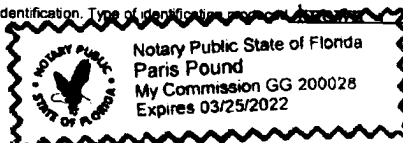
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 27 day of February 2022 by Inv. POINTU P.

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced: None

Paris Pound (#24639)

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



TESTING FACILITY TASK REPORT

AGENCY: **PBSO**

SUBJECT: **SWANSON, DENISE A** CASE NUMBER: **22-041021**

DATE: **Feb 27, 2022** VIDEO DVD NUMBER: **N/A**

BEGINNING TIME: **21:48** ENDING TIME: **21:56**

BREATH TESTS RESULTS: 1) **R** TIME **21:55** A.M. ☐ P.M. ☒ 2) **N/A** TIME **N/A** 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: **TALKATIVE**

CLOTHING: **WHITE / BLUE / RED DRESS , BLACK SANDALS**

MEDICAL CONDITIONS: **HEMORRHOIDS**

MEDICATIONS: **NONE**

OTHER:

ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON BREATH

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 21:26 HRS.

SUBJECT: REFUSED TO TAKE TEST

A/O: READ I/C, ALSO EXPLAINED I/C

SUBJECT: STATED SHE UNDERSTOOD I/C AND REFUSED TO TAKE TEST

NO RIGHTS OR Q&A CONDUCTED

SUBJECT: INVOKED HER RIGHTS TO COUNSEL

REFUSED

SUBJECT: SWANSON, DENISE J CASE NUMBER: 22 - 09121

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 _____ 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'S SIGNATURE: (X) _____

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) _____

SUBJECT: _____ CASE NUMBER: _____

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? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

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

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU 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? _____

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? _____ 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? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

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

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, **Investigator LE** PATRICK POINTU, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)
am a member of Palm Beach County Sheriffs Office, and I do swear
(Name of enforcement agency)
or affirm that on or about the TWENTY-SEVENTH day of February, 2022, at 20:56
DRIVER DENISE ANN SWANSON,
(Type or Print) FIRST MIDDLE OR MAIDEN LAST
DL # S525161645920, state of FL, was placed under lawful arrest for
the offense of DUI by Investigator LE PATRICK POINTU and
(Name of Arresting Officer)
issued Citation # AF100HE.

That on or about the TWENTY-SEVENTH day of February, 2022, at 21:55
in Palm Beach County,

I requested that the driver submit to a ☒ breath and/or ☐ urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine, or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

Signature of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this 27 day of FEBRUARY, 2022
by _____
who is personally known to me or who has produced
_____ as identification.
Notary Public _____

HSMV-BAR1001 (REV. 10/2016)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC and the probable cause affidavit.



**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: 2022005436

Date: 2/28/2022

Specialist Name/ID: S.Evans/23872