

Arrest Report

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

21CT 20935

3158

Report Date / Time 12/16/2021 11:51 PM	Report Number FHP99ARR841718	Case Number/Cad Number FHP21ON0044858 / RCC21IN0066073	Reporting Officer Name GONZALEZ, MARQUIS
Originating Agency ORI FL0509000	Occur Date Time Range 12/16/2021 23:12:45 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description OKEECHOBEE BLVD SR 9 SB SOF Lantana RD			
Street Number I-95 SB	Street	Apt/Lot/Bldg WEST PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33409

Defendant

First Name DIOSMIRY	Middle Name	Last Name RODRIGUEZ	Suffix	Race HISPANIC C White	Sex FEMALE	Height 503	Weight 155	Hair BRO	Eyes BRO
MNI #	SSN	Date of Birth 05/17/1995	Age 26	ID Type	Drivers License or other ID R60941710055952	State NJ	OCA / Agency ID		
Place of Birth:		PATERSON NJ US							
Address * RESIDENCE / 922 RARITAN AVENUE , HIGHLAND PARK , NJ 08904 /									

Arrest

Arrest Date/Time 12/16/2021 11:45:25 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description SR 9 SB SOF SR 812 (LANTANA RD)				
Street Number	Street	Apt/Lot/Bldg	County PALM BEACH	City LAKE WORTH	State FL	Zip Code 33462

Charge : S

Counts 1	Charge 316.193.1a	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S		Charge Level MISDEMEANOR	
General Offense Code		Arrest Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI INFLUENCE OF ALCOHOL OR DRUGS			

Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

Arrest Report

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DEC 17 2021

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On December 17, 2021, the Lake Worth Communications Center (LWRCC) gave out a call (BOLO) of a vehicle traveling southbound on State Road 9 (Interstate 95) south of Belvedere Rd. There were several calls from an outside witness stating that this vehicle was going high various rates of speed, weaving in and out of traffic, unable to maintain their lane. The vehicle description was a black Subaru SUV with a New Jersey Tag of 854LLP. While traveling southbound on State Road 9 north of State Road 812 (Lantana Road) to intercept the vehicle, I observed a vehicle matching the description of the (BOLO'd) vehicle traveling in the outside center lane. I proceeded to get behind the vehicle in the outside center lane at State Road 9 southbound just south of Lantana Road. Once I arrived behind the vehicle, I confirmed the Florida tag with the tag given to me by dispatch and established a driving pattern on the vehicle. I paced clocked the vehicle with my patrol car (FHP2047) traveling at a speed of 86 mph in a 65-mph zone for approximately .5 miles. The vehicle was swerving between the center, outside center and outside lanes, which almost resulted in a collision with the vehicles traveling in the next lanes. I proceeded to activate my emergency lights and sirens in attempt to conduct a traffic stop on the vehicle. The vehicle stopped in the center lane of State Road 9. Moments later, the vehicle eventually pulled over onto the right outside shoulder of State Road 9 southbound just south of Lantana Road. I then proceeded to walk up to the vehicle. As I spoke to the driver, I immediately detected the odor of an unknown alcoholic beverage was emitting from her breath as she talked. I identified the driver as Diosmiry Rodriguez through her New Jersey driver's license: R60941710055952. I asked the driver if she had been drinking any alcohol beverages or taken any prescription medications previous to driving. Ms. Rodriguez stated she did not have anything to drink or take any medications. I also observed the driver's blood shot glassy eyes and slurred speech. Based on my observation, I requested that she step out of the vehicle and walk towards the front of my patrol car. Ms. Rodriguez had a difficult time maintaining her balance while walking to the front of my patrol. I then proceeded to ask Ms. Rodriguez is she was willing to Voluntarily perform the Field Sobriety Exercises. The driver agreed to Voluntary perform the Field Sobriety Exercises.

For Ms. Rodriguez safety and mine, I proceeded to place Ms. Rodriguez in the

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back of my patrol car and transported her to a safer location. FSE'S were conducted at the WAWA gas station parking lot located on Hypoluxo Road just west of State Road 9. The ground was even and free of debris and a red-light pen was used as a stimulus for the Horizontal Gaze Nystagmus. A white paved parking lot line was used for the Walk and Turn.

Before beginning the exercises, I checked to see if Ms. Rodriguez was wearing glasses. It was determined that Ms. Rodriguez was not wearing glasses. I proceeded to ask Ms. Rodriguez if she had any injuries or medical conditions that would prevent her from performing the field sobriety exercises. Ms. Rodriguez advised that she did not have any injuries or medical conditions. Ms. Rodriguez was instructed to place her feet together and place her hands down at her side. She then was instructed to keep her head still and follow the stimulus with her eyes and her eyes only. She was also instructed to keep looking at the stimulus until told not to. Ms. Rodriguez verbally indicated that she understood all the instructions above.

Horizontal Gaze Nystagmus:

- Equal tracking and equal pupil size.
- During the exercise I observed the defendant with lack of smooth pursuit in both eyes.
- Distinct and sustained nystagmus at maximum deviation in Both eyes
- Onset Nystagmus prior to 45 degrees in both eyes

Walk and Turn: Demonstrated and explained.

The defendant advised she understood the instructions explained.

During the walk and turn I observed

- Unable to maintain balance in the beginning of the exercise
- Driver performed 11 steps (instructed to walk 9 steps) forward missing several heel to toe and an improper turn (Twice)
- Driver used arms for balance
- Driver lost balance during turn

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One Leg Stand : Demonstrated and explained.

The defendant advised she understood the instructions explained.

During the one leg Stand I observed

- The driver lifted her right foot off the ground
- Driver did not count out loud
- Driver looked up throughout the whole exercise
- Driver put foot down before being told to stop
- Driver used arms for balance

Due to the totality of circumstances, Ms. Rodriguez was placed under arrest for DUI at 11:45 P.M and was transported to the Palm Beach County Breath test center. Once I arrived, I conducted a 20-minute observation. At no time did she regurgitate or take anything by mouth. I then requested that she provide a sample of his breath which she complied. The volume on the first breath sample was not met because Ms. Rodriguez would not blow correctly into the Intoxilyzer 8000. I advised Ms. Rodriguez that if she did not provide a proper breath sample it would be considered a refusal. After Florida Implied consent was read, Ms. Rodriguez complied and was willing to provide the sample. The driver had a BAC of .213 on the first attempt and a BAC of .209 on the second attempt. Ms. Rodriguez was then booked and processed at the Palm Beach County Jail without incident. The above incident occurred in Palm Beach County.

Jail Booking Facility

Booking Date/Time	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

Court

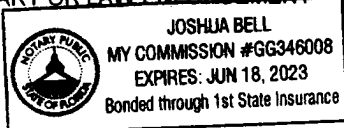
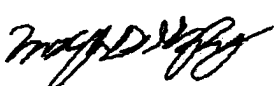
Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444
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OBTs Number	Other Number	Clearance	
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 01/13/2022 8:30AM	Court Fine
Comments			

Officer Name Rank / ID # GONZALEZ, MARQUIS TPR	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPL\LRCC\PALM BEACH\BROW LN TO SR804
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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 GONZALEZ, MARQUIS	Office Rank TPR	Officer ID No 4520	Sworn and subscribed before me, the undersigned authority This the <u>17</u> day of <u>December</u> , <u>2021</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
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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UBJECT: Read on Comers CASE NUMBER: 77112401043

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 T.M. Comers 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) Read on Comers

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 Comers

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GOLD JAIL

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

CASE NUMBER:

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.

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?

WHAT 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?

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____
CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE?
HOW MUCH?

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

WHAT? _____ WHERE? _____ WHEN? _____

WHAT? _____ WHEN DID YOU LAST WORK? _____
WHAT LINE OF WORK ARE YOU IN? _____

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?

WERE YOU IN AN ACCIDENT TODAY? _____ WHEN?

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

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY TOBACCO? _____ WHO? _____ WHY? _____

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

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____
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?

DO YOU TAKE INSULIN? _____ IF SO, WHEN TAKEN _____

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

INTERVIEWER: TPR. M. GOODALEZ #4519

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL.

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TESTING FACILITY TASK REPORT

AGENCY: FHP

SUBJECT: RODRIGUEZ, DIOSMIRY

CASE NUMBER: 21-138935

DATE: Dec 17, 2021

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0104

ENDING TIME: 0121

BREATH TESTS RESULTS: 1) .210snl TIME 0111 A.M. ☒ P.M. ☐ 2) .213 TIME 0114 A.M. ☒ P.M. ☐
3) .209 TIME 0117 A.M. ☒ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: JOSHUA J BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: UNCOOPERATIVE, ARGUMENTATIVE, EMOTIONAL

CLOTHING: GREEN DRESS, BROWN SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: BLOODSHOT, GLASSY, WATERY

COMMENTS:

ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 0025 HOURS

SUBJECT STATED SHE WOULD TAKE BREATH TEST

SUBJECT FAILED TO MAINTAIN STEADY TONE, SUBJECT STOPPED BLOWING BEFORE BEING TOLD, AFTER REPEATED INSTRUCTIONS SUBJECT WAS INSTRUCTED TO SIT DOWN

A/O READ I.C

SUBJECT STATED SHE UNDERSTOOD I.C

SUBJECT STATED SHE WOULD CONTINUE BREATH TEST

BREATH TEST COMPLETED

A/O READ RIGHTS / SUBJECT STATED SHE UNDERSTOOD HER RIGHTS

TECH READ BREATH TEST RESULTS / SUBJECT STATED SHE UNDERSTOOD BREATH TEST RESULTS

A/O CONDUCTED Q AND A

SUBJECT STATED SHE WOULD ANSWER Q AND A / SUBJECT ANSWERED A FEW QUESTIONS WITH RATIONALE NOT ANSWER / Q AND A ENDED

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

PBSO CASE # 21-138935 AGENCY CASE# FHP21ONN0044858
AGENCY ZONE 6-12 CRASH CASE # _____
TIME OF STOP/CRASH 11:24PM DATE 12/17/21 DAY THURSDAY
SUBJECT'S NAME DIOSMIRY RODRIGUEZ RACE HISPANIC SEX FEMALE
HGT 503 WGT 155LBS DOB 5/17/95
LOCATION SR 9 SB SOF LANTANA RD
ARRESTING OFFICER'S NAME & ID TPR.MARQUIS GONZALEZ 4519 AGENCY FHP
DIVISION: TROOP L NOTIFIED BY COMMO _____
ARRIVAL AT FACILITY 00:25 AA
BREATH RESULTS: ARREST TIME 11:45PM
1. .210 SNL
2. .213
3. .209
4. N/A
TESTING OFFICER'S ID 8656 PBSO VIDEOTAPE # N/A

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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: 80-006239 Software: 8100.27
Date of Test: 12/17/2021

Date of Last Agency Inspection: 12/03/2021

Observation Period Began: 00:25

Subject's Name: DIOSMIRY RODRIGUEZ

DOB: 05/17/1995 Sex: F

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	01:06
Air Blank	0.000	01:07
Control Test	0.080	01:07
Air Blank	0.000	01:08
Subject Sample #1	SNL*	01:11
Air Blank	0.000	01:11
Air Blank	0.000	01:13
Subject Sample #2	0.213	01:14
Air Blank	0.000	01:15
Air Blank	0.000	01:17
Subject Sample #3	0.209	01:17
Air Blank	0.000	01:18
Control Test	0.078	01:18
Air Blank	0.000	01:19
Diagnostics Check	OK	01:19

*Slope Not Level (0.210 - Breath Sample Not
Reliable to Determine Breath Alcohol Level)

Cylinder Lot: 19021080A2
Exp: 09/05/2023

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 JOSHUA J BELL, 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: 12/17/21

Sworn to (or affirmed) before me this 17 day of December, 2021

Signature of Notary Public-State of Florida

TPR. M. GONZALEZ #4519
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.