

05299160

22CT 3810 SS

1400

ADMISSION		ARREST / NOTICE TO APPEAR		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		JUVENILE	
OBTS Number		Agency ORI Number 0500400		Agency Name Delray Beach Police Department		Agency Report Number (N.T.A.'s only) 4 0 22-003057					
Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		If Weapon Seized Enter Type: UNARMED		Multiple Clearance Indicator 1							
Location of Arrest (Including Name of Business) 2599 LAKE IDA RD, DELRAY BEACH, FLORIDA		Location of Offense (Business Name, Address) 2599 LAKE IDA RD, DELRAY BEACH, FL 33445									
Date of Arrest 03/07/2022		Time of Arrest 02:45		Booking Date 03/07/2022		Booking Time 02:55		Jail Date		Jail Time	
Name (Last, First, Middle) ARDILA AGUIRRE, EDWIN		Alias (Name, DOB, Soc. Sec. #, Etc.)									
Race W - White B - Black O - Oriental/Asian W		Sex M M		Date of Birth 06/26/1980		Height 5'05		Weight 165		Eye Color BROWN	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Marital Status S		Religion None		Indication of Alcohol Influence Yes ☐ No ☒ Unk ☐		Indication of Drug Influence Yes ☐ No ☒ Unk ☐		Complexion FAIR	
Local Address (Street, Apt. Number) 422 BOYNTON CIRCLE PLACE, BOYNTON BEACH, FL 33437		(City) BOYNTON BEACH		(State) FL		(Zip) 33437		Phone (646) 468-6343		Residence Type 1. City 3. Florida 2. County 4. Out of State 4	
Permanent Address (Street, Apt. Number) 422 BOYNTON CIRCLE PLACE, BOYNTON BEACH, FL 33437		(City) BOYNTON BEACH		(State) FL		(Zip) 33437		Phone (646) 468-6343		Address Source	
Business Address (Name, Street) 422 BOYNTON CIRCLE PLACE, BOYNTON BEACH, FL 33437		(City) BOYNTON BEACH		(State) FL		(Zip) 33437		Phone (646) 468-6343		Occupation	
D/L Number, State /		Soc. Sec. Number		DNS Number		Place of Birth (City, State) BOGOTA, Columbia		Citizenship CO			
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 ☐ Other: _____ ☐ Legal Custodian		Name (Last, First, Middle)						Residence Phone			
Address (Street, Apt. Number)		(City)		(State)		(Zip)		Business Phone			
Notified by: (Name)		Date		Time		JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT IAC 3. Incarcerated					
Released To: (Name)		Relationship		Date		Time					
The above address was provided by ☐ defendant and/or ☐ 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.		School Attended				Grade					
☐ Yes, by: _____ ☐ No: _____		Property Crime? ☐ Yes ☒ No		Description of Property		Value of Property					
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic		R. Struggle 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-DAMAGE TO PERSON/PROPERTY		Statute Violation Number 316.193(3)(C)(1)		Violation of ORD #							
Drug Activity N		Drug Type /		Amount / Unit /		Offense # 22-003057		Counts 1		Domestic Violence ☐ Y ☒ N	
Charge Description		Statute Violation Number		Violation of ORD #							
Drug Activity /		Drug Type /		Amount / Unit /		Offense # /		Counts /		Domestic Violence ☐ Y ☒ N	
Charge Description		Statute Violation Number		Violation of ORD #							
Drug Activity /		Drug Type /		Amount / Unit /		Offense # /		Counts /		Domestic Violence ☐ Y ☒ N	
Health / Apparent Physical Condition of Defendant		Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries		Explain:							
Check which applies: ☐ Released O.R. ☐ Posted Bond		☐ Released to Parent/Guardian ☐ South County Mental Health		☒ T.O.T. County Jail		PROPERTY - Received By		Released By		Released To	
Transported By HAGER		Date Transported 03/07/2022		Time Transported 03:36		Other					
☒ INSTRUCTION NO. 1 - Mandatory appearance in court ☐ 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 03/31/2022 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.		Signature of Defendant (or Juvenile and Parent/Custodian)		Date Signed						No Photo Available	
HOLD for Other Agency No H/Ls		Signature of Arresting Officer HAGER, MATTHEW		Name Verification (Printed by Arrestee) HAGER, MATTHEW		ID # 1217		Name Verification (Printed by Arrestee) HAGER, MATTHEW		ID # 1217	
Intake Deputy 355-2526		Pouch #		Transporting Officer HAGER		ID # 1217		Agency DBPD		Witness here if subject signed with an "X"	

D.U.I. PROBABLE CAUSE AFFIDAVIT

**ON THE SEVENTH DAY OF MARCH, TWENTY AND TWENTY TWO AT 0439 ☒ AM ☐ PM
IN THE CITY OF DELRAY BEACH, COUNTY OF PALM BEACH, STATE OF FLORIDA**

Case No: 22-003057

Defendant: ARDILA AGUIRRE, EDWIN

Agency: DBPD

Arresting Ofc: HAGER, MATTHEW

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATIONS OF DRIVER:

On 03/07/2022 at 0054 hours I responded to an alleged hit and run involving a silver Toyota Rav 4 (FL Tag NZJL85) at 2599 Lake Ida Road.

Upon my arrival I met with, Edwin Ardilla Aguirre (Identified by NY ID), driver of a Toyota Rav 4 on the scene.

I then read Aguirre his Miranda Warnings, which he acknowledged and stated that he understood what I had read to him. Aguirre then voluntarily stated that he was driving the vehicle and he had lied about a friend's involvement because he was scared of getting into trouble due to his immigration status. I asked Aguirre if he had drank alcohol prior to driving the Toyota Rav 4 (FL Tag NZJL85) this evening and Aguirre stated that he had been drinking. Aguirre then voluntarily stated that he had drank one to two shots of Jameson liquor and two to three glasses of Astellas beer.

Aguirre elected to participate in the Field Sobriety tasks.

Below is a synopsis of the Field Sobriety tasks results:

Horizontal Gaze Nystagmus: Prior to this task Aguirre stated that he did not have any medical issues that could restrict his ability in completing this Field Sobriety task. Aguirre's left and right eyes showed a lack of smooth pursuit. Aguirre's left and right eyes were not able to hold for longer than approximately two seconds at maximum deviation.

Walk & Turn: Prior to this task Aguirre stated that he did not have any medical issues that could restrict his ability in completing this Field Sobriety task. Aguirre was unable to walk in a straight line.

One Leg Stand: Prior to this task Aguirre stated that he did not have any medical issues that could restrict his ability in completing this Field Sobriety task. Aguirre stated that he would not be able to hold his leg for a time of two minutes. I advised Aguirre that he would only be holding the position of the one leg stand for approximately thirty seconds, at which time he stated he was able to attempt the task. Aguirre was instructed to keep his arms down by his side throughout the task, he was unable to do so. Aguirre was instructed to keep his raised leg off of the ground six inches, he continually lowered his foot to the ground.

Finger to Nose: Prior to this task Aguirre stated that he did not have any medical issues that could restrict his ability in completing this Field Sobriety task. Aguirre was instructed to use his left-hand index finger to touch the tip of his nose and he attempted to use his right-hand index finger to do so.

Romberg with Recitation: Prior to this task Aguirre stated that he did not have any medical issues that could restrict his ability in completing this Field Sobriety task. I instructed Aguirre to verbally count starting from the number one and ending his count on number thirty in English, Aguirre stated he was able to complete this task. After stating the number twenty, Aguirre stated "Uh" then paused for several seconds before counting twenty-one.

TESTING FACILITY TASK REPORT

AGENCY: DBPD OFC. HAGER #1217	
SUBJECT: ARDILA AGUIRRE, EDWIN	CASE NUMBER: 22-043502
DATE: 03-07-22	VIDEO DVD NUMBER: N/A
BEGINNING TIME: 03:45 HRS	ENDING TIME: 04:29 HRS
BREATH TESTS RESULTS: 1) .112 V* TIME 03:54 A.M. ☒ P.M. ☐ 2) .088 V** TIME 03:59 A.M. ☒ P.M. ☐	
3) .114 V* TIME 04:08 A.M. ☒ P.M. ☐ 4) .107 TIME 04:11 A.M. ☒ P.M. ☐	
BREATH OPERATOR: S.O'NEAL #6212	5) .109 04:15 A.M. X
MAINTENANCE TECHNICAN: J. KARLECKE #6467	

TESTING OFFICER'S OBSERVATIONS

SPEECH:	ACCENT
ATTITUDE:	CALM, COOPERATIVE
CLOTHING:	SHIRT- WHITE/ BLOOD STAINED FROM NOSE BLEED PANTS- DRK BLUE JEANS
MEDICAL CONDITIONS:	NONE
MEDICATIONS:	NONE

OTHER:

EYES: VERY RED, VERY GLASSY
ODOR OF UNKNOWN ALCOHOLIC BEVERAGE.

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O HAGER #1217
A/O REQUESTED THE BREATH TEST.
D SUBMITTED TO THE BREATH TEST.
D WAS NOT BLOWING CORRECTLY, HAD TO EXPLAIN AGAIN AND PHYSICALLY SHOW THE D HOW TO BLOW.
D DID NOT BLOW CORRECTLY ON THE FIRST BREATH TEST SAMPLES.
IMPLIED CONSENT READ ON CAMERA TO THE D.
GAVE D ANOTHER OPPORTUNITY TO BLOW.
D EVENTUALLY BLEW CORRECTLY TO COMPLETE THE TEST.
EXPLAINED THE BREATH RESULTS TO THE D.
C/W READ ON CAMERA TO THE D.
D ANSWERED Q&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: 80-006029 Software: 8100.27
Date of Test: 03/07/2022

Date of Last Agency Inspection: 02/04/2022

Observation Period Began: 03:20

Subject's Name: EDWIN ARDILA AGUIRRE

DOB: 06/26/1990 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	03:49
	Air Blank	0.000	03:50
	Control Test	0.081	03:50
	Air Blank	0.000	03:51
	Subject Sample #1 VNM*		03:54
	Air Blank	0.000	03:55
	Air Blank	0.000	03:56
	Subject Sample #2 VNM**		03:59
	Air Blank	0.000	04:00
	Control Test	0.079	04:01
	Air Blank	0.000	04:01
	Diagnostics Check	OK	04:01

*Volume Not Met (0.112 - Breath Sample Not Reliable to Determine Breath Alcohol Level)
**Volume Not Met (0.086 - 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 ID as identification, and who after being placed under oath, states:

I SHARO L O'NEAL, 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: 03-07-22
Signature

Sworn to (or affirmed) before me this 07 day of March, 2022

[Signature] OFC. Hager #1217
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.

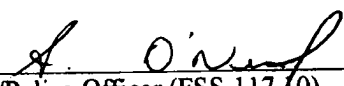
Due to the totality of the circumstances and Aguirre's performance during the Field Sobriety tasks, I determined that Aguirre was operating his vehicle under the influence of a controlled substance or alcohol.

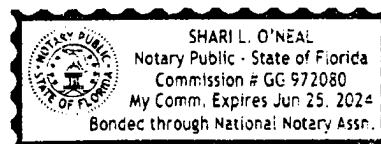
Upon arrival to the Palm Beach County Jail Aguirre voluntarily submitted his breath for analysis by the Palm Beach County Breath Test Operators. Aguirre was observed for twenty minutes while at the Palm Beach County Jail to ensure that he did not eat or drink anything, in which he did not. Aguirre's breathe resulted in the following two readings: 0.107 and 0.109.

With the above stated facts, probable cause exists to charge the defendant, Edwin Ardila Aguirre, with one count of DUI Damage to Person/Property per F.S.S. 316.193(3)(C)(1).

The foregoing instrument was sworn to before me this seventh day of March, two thousand and twenty two by Officer Hager


Arresting Officer


Notary/Police Officer (FSS 117.10)



ROADSIDE TASKS

Case No: 22-003057

Defendant: ARDILA AGUIRRE, EDWIN

HORIZONTAL GAZE NYSTAGMUS: 4 of 6 clues

Left Eye:

- ☒ Lack of smooth pursuit
- ☒ Distinct & sustained nystagmus at maximum deviation
- ☐ Onset prior to 45 degrees

Right Eye:

- ☒ Lack of smooth pursuit
- ☒ Distinct & sustained nystagmus at maximum deviation
- ☐ Onset prior to 45 degrees

Notes: DEFENDANT's eyes were checked for pupil and equal tracking; no abnormalities were noted.

WALK AND TURN: 1 of 8 clues

This task was explained and demonstrated to the DEFENDANT, which he stated he understood.

ONE LEG STAND: 2 of 4 clues

This task was explained and demonstrated to the DEFENDANT, which he stated he understood.

FINGER TO NOSE: 1 of 4 clues

This task was explained and demonstrated to the DEFENDANT, which he stated he understood.

ROMBERG/ALPHABET: 1 of 4 clues

This task was explained and demonstrated to the DEFENDANT, which he stated he understood.

Edwin Ardila Aguirre was handcuffed and taken into custody without incident. I then transported Edwin Ardila Aguirre to the booking facility at the Palm Beach County Jail. Upon my arrival at 0300 hours I completed the required 20-minute observation. I then requested Edwin Ardila Aguirre provide a sample of his breath for the purpose of determining the alcohol content. Edwin Ardila Aguirre complied and provided the requested breath samples. The results are: .109 and .107 per 210L.

Based on the above facts, probable cause does exist to charge Edwin Ardila Aguirre with one count of DUI pursuant to F.S.S. 316.193(1). I issued Edwin Ardila Aguirre the following citations: Careless Driving per F.S.S. 316.1925(1) and Driving Under the Influence breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath per F.S.S. 316.193(1)(c).

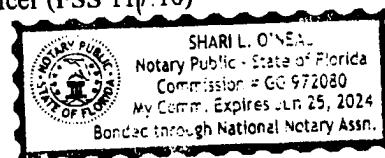
Upon completion of the booking process, Edwin Ardila Aguirre was turned over to Palm Beach County Jail.

The foregoing instrument was sworn to before me this seventh day of March, two thousand and twenty two by Officer Hager

Wm Hager
Arresting Officer

Shari L. O'Neal
Notary/Police Officer (FSS 117.10)

WITNESS LIST



SUBJECT: ArDila Aguirre, EDWIN CASE NUMBER: 22003057

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? 1/2

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? 1st St

DIRECTION OF TRAVEL? North WHERE DID YOU START? North

WHAT TIME DID YOU START? 1130 WHAT TIME IS IT NOW? 0230

WHAT IS TODAY'S DATE? 1/2 WHAT DAY OF THE WEEK IS IT? Sunday

WHAT COUNTY AND CITY ARE YOU IN NOW? Alameda

WHEN DID YOU LAST EAT? 11:00 WHAT DID YOU EAT? A Pasta

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Working and talking on phone

HOW MUCH DO YOU WEIGH? 50 HAVE YOU BEEN DRINKING? Yes WHAT? Beer

HOW MUCH? 1 WHERE? Home WITH WHOM? Co-workers

WHEN DID YOU HAVE YOUR FIRST DRINK? 11:00 AND YOUR LAST DRINK? 12:00

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Drinking

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

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? No HOW MUCH? None

WHAT? None WHERE? None WHEN? None

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

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO WHAT? None

ARE YOU SICK OR INJURED? NO WHAT'S WRONG? None

DO YOU LIMP? Yes DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? None

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? None WHY? None

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? YES NO WHAT? None WHEN? None

DO YOU HAVE:

EPILEPSY?	<u>NO</u>
GLASS EYE?	<u>NO</u>
FALSE TEETH?	<u>NO</u>
EAR INFECTION?	<u>NO</u>
INNER EAR TROUBLE?	<u>NO</u>
DIABETES?	<u>NO</u>

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? NO

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION? None

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? NO WHERE? None

INTERVIEWER: OFC Hysc 1D17



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

PBSO CASE # 22-043502 PBSO ZONE 4-12

AGENCY CASE # 22-003057 CRASH CASE # _____

TIME OF STOP/CRASH 0056 DATE 03/07/2022 DAY Monday

SUBJECT'S NAME Edwin Adon Aguilar RACE Hispanic SEX Male

HGT 5'05 WGT 160 DOB 06/12/1982

LOCATION 2000 Lake Ida Road, Palm Beach, FL

ARRESTING OFFICER'S NAME & ID Hugo 11217 AGENCY PBCC

DIVISION: Field Matthew

NOTIFIED BY COMMO ✓

ARRIVAL AT FACILITY 0320 HRS

BREATH RESULTS:

Arrest Time 0249

1. .112 VNM* 5. .109
2. .083 VNM**
3. .114 VNM*
4. .107

TESTING OFFICER'S ID 16212