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Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
8535 NORTHLAKE BLVD
WEST PALM BEACH, FL.

Report Date / Time 1/19/2020 07:08 AM	Report Number C-7243AA	Case Number/Cad Number FWSA20OFF000733 / FWSA20CAD001336	Reporting Officer Name BOYD, ADAM F
Originating Agency ORI FL0488000	Occur Date Time Range 01/18/2020 22:56:51 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description STREET
Street Number 423 FLAMIN	Street FLAMINGO DR	Apt/Lot/Bldg City WEST PALM BEACH
State FL	Zip Code 33401	

Defendant

First Name ELI FABRICIO	Middle Name	Last Name CEDENO TUAREZ	Suffix	Race AN	Sex MALE	Height 5'08"	Weight 180	Hair BALD	Eyes BROWN
MNI #	SSN	Date of Birth 04/01/1971	Age 48	Place of Birth Ecuador	Drivers License or other ID C353200711210	State FL	ID Type E		
Address * RESIDENCE / 3450 PINEWALK DR NORTH APT 431 , BROWARD, FL 33063 /									

Arrest

Arrest Date/Time 1/18/2020 11:41:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description STREET
Street Number 423	Street FLAMINGO DR	Apt/Lot/Bldg County PALM BEACH
City WEST PALM BEACH	State FL	Zip Code 33401

Charge :

Counts	Charge	Bond Amount	<input type="checkbox"/> No Bond
Charge Degree	Charge Level	General Offense Code	
Charge Description			

Charge : STATE STATUTE

Counts 1	Charge 316.193(1)(c)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DRIVING UNDER THE INFLUENCE - BREATH-ALCOHOL LEVEL OF 0.08 OR MORE GRAMS OF ALCOHOL PER 210 LITERS OF BREATH			

Handwritten signature

SCANNED
FILED
 JAN 20 2020
 CIRCUIT & COUNTY COURTS
 (CRIMINAL DIV.)

Report Date / Time 1/19/2020 12:08 AM AS 0008	Report Number C-7243AA	Case Number/Cad Number FWSA20OFF000733 / FWSA20CAD001336	Reporting Officer Name BOYD, ADAM F
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Bond Set by Officer

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

Probable Cause

- I. WHAT: DUI Driving Under the Influence
- II. WHEN: 1-18-20 @ 10:57 PM
- III. WHERE: 423 Flamingo Dr, West Palm Beach
- IV. WHO: Eli Fabricio Cedeno Tuarez DOB 4/1/1971

V. Other information Relating to DUI/BUI
Black Chevy Silverado bearing Tag # LLV M03

VI. DETAILS OF DUI/BUI

A. Phase 1 – Initial Observation of vehicle/vessel in operation

On the above listed date and time, I, Officer Adam Boyd of the Florida Fish and Wildlife Conservation Commission (FWC) was on land patrol in Palm Beach county driving north on Dixie Highway in West Palm Beach. I observed a black pickup truck (FL Tag: LLV M03) traveling north on Dixie in front of me. The truck was driving slower than other traffic and was stopping and going. It also crossed the line for the lane approximately 6 times in an approximately twenty second span. I followed the vehicle as it turned west onto Flamingo Dr. The vehicle stopped at 423 Flamingo Dr. I pulled up to the truck and rolled down my window to ask the driver if he was OK. His response was slurred. His eyes were glazed. I initiated a traffic stop to ensure the driver was safe to drive.

B. Phase 2 – Personal Contact with driver/operator of vehicle/vessel

I asked the driver to step out of the vehicle. The driver said he only speaks Spanish. I asked him for a driver's license and he took it out of his wallet and dropped it on the ground. He bent over to pick it up and stumbled. I identified the driver as Eli Fabricio Cedeno Tuarez (FL ID# C353200711210). I informed Mr. Cedeno a Spanish speaking officer would come translate. As I spoke with him I detected the odor of alcohol emit from his breath. He also leaned against his truck for balance.

C. Phase 3- Pre-arrest screening and Observations of Driver/Operator

I had Mr. Cedeno step away from his vehicle so that I could speak with him away from the cab of the vehicle to confirm the odor of alcoholic beverage was indeed coming from him. Mr. Cedeno once again had to lean against the truck to steady himself. At this time west West Palm Beach Police arrived to assist with translation. Officer Abreu from West Palm Beach Police (Badge # 2158) acted as translator. We asked Mr. Cedeno where he was coming from and going to and he said he was coming from Jupiter and going to Margate. We told him he was

Arrest Report

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SCANNED
JAN 20 2020

Report Date / Time 1/19/2020 12:08 AM 7730998	Report Number C-7243AA	Case Number/Cad Number FWSA20OFF000733 / FWSA20CAD001336	Reporting Officer Name BOYD, ADAM F
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driving the opposite direction and he didn't understand until Officer Abreu explained it three times. Mr. Cedeno said he got turned around. Mr. Cedeno's speech was slow deliberate and slurred and his eyes were watery and glassy with dilated pupils. Officer Abreu explained he indicated signs of impairment and we needed to conduct Standardized Field Sobriety Tasks (SFST's) and Mr. Cedeno complied.

The SFST's are as follows.

HORIZONTAL GAZE NYSTAGMUS: 6 total clues

When I checked both eyes for equal tracking, Mr. Cedeno moved his head back and forth and had to be told to keep his head still.

Lack of smooth pursuit in Left and Right eyes

Distinct and sustained nystagmus at maximum deviation on Right and Left eyes.

Nystagmus onset before 45 degrees on Right and Left eyes.

(RESULT = 6 clues)

WALK AND TURN: 6 total clues

Instruction stage: Loses Balance during instructions

Performance stage:

Stops while walking

Steps off line

Uses arms to balance (6"+)

Improper Turn

Wrong number of steps

(CLUES = 6 total)

ONE LEG STAND: 4 total clues

Sways while balancing

Uses arms to balance (6"+)

Hopping

Puts foot down

(CLUES = 4 total)

D. Arrest of Driver/Operator

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Report Date / Time 1/19/2020 12:08 AM 0098	Report Number C-7243AA	Case Number/Cad Number FWSA20OFF000733 / FWSA20CAD001336	Reporting Officer Name BOYD, ADAM F
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Due to Mr. Cedeno's performance of SFST's, the indicators of impairment given to me by Mr. Cedeno and my training, experience, and my common sense, I had probable cause to believe Mr. Cedeno's faculties were impaired and was too impaired to operate a motor vehicle. I arrested Mr. Cedeno for DUI driving under the influence and transported him to the Palm Beach County Jail without incident. During the transport to the jail, Mr. Cedeno did not speak and fell asleep in the back of the vehicle. He woke up when I hit a bump in the road and complained of pain. I assured him I would readjust his cuffs when we arrived at the jail, which I did. At the jail B.A.T. facility Mr. Cedeno was read implied consent on camera through a translator and was asked to provide a breath sample for the determination of his breath alcohol content. Mr. Cedeno complied and blew 0.181 grams of alcohol per 210 milliliters of breath on the first attempts and 0.182 grams of alcohol per 210 milliliters of breath on the second attempt

E. Disposition of Driver and vehicle/vessel

Mr. Cedeno was booked into the Palm Beach County under the following charges.

316.193 Driving under the influence; penalties. —

- (1) A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if the person is driving or in actual physical control of a vehicle within this state and:
- (c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.

Mr. Cedeno's vehicle was towed by Sister's Towing and taken from the scene of the arrest. Nothing further at this time.


Court			
▶ Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court PALM BEACH COUNTY COURT AT GUN CLUB	Court Phone (561) 688-4640	Court Appearance Date / Time 02/20/2020 8:30 AM	Court Fine
Comments			

Officer Name Rank / ID # BOYD, ADAM F OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWSAISO REGION AIPALM BEACH	Involvement On Report / Reporting Role REPORTING OFFICER
WP027		

Report Date / Time 1/19/2020 12:08 AM <i>115-0008</i>	Report Number C-7243AA	Case Number/Cad Number FWSA20OFF000733 / FWSA20CAD001336	Reporting Officer Name BOYD, ADAM F
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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 BOYD, ADAM F	Office Rank OFFICER	Officer ID No WP027	Sworn and subscribed before me, the undersigned authority This the <u>19</u> day of <u>January</u> , <u>2020</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature <i>Adam Boyd WP027</i>			

NOT A CERTIFIED

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: 80-006478 Software: 8100.27
Date of Test: 01/19/2020

Date of Last Agency Inspection: 01/17/2020
Observation Period Began: 01:00
Subject's Name: ELI F CEDENO TUAREZ

DOB: 04/01/1971 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	01:32
	Air Blank	0.000	01:32
	Control Test	0.081	01:33
	Air Blank	0.000	01:33
	Subject Sample #1	0.181	01:34
	Air Blank	0.000	01:34
	Air Blank	0.000	01:35
	Subject Sample #2	0.182	01:37
	Air Blank	0.000	01:37
	Control Test	0.080	01:38
	Air Blank	0.000	01:38
	Diagnostics Check	OK	01:38

Cylinder Lot: 13518080A5
Exp: 08/05/2020

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 GARY J PARENT, 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: _____ Date: 01/19/20
Signature

Sworn to (or affirmed) before me this 19 day of JANUARY, 2020

Abdul P022 OFC. A. BOYO
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.



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

PBSO CASE # 20-027936 PBSO ZONE 3-22

AGENCY CASE # FWSA20FF733 CRASH CASE # _____

TIME OF STOP/CRASH 10:57 PM DATE 1-18-20 DAY _____

SUBJECT'S NAME Eli Cedeno-Tuarez RACE H SEX M

HGT 5'8" WGT 180 DOB 4-1-71

LOCATION 423 Fleming Dr, WPB, FL

ARRESTING OFFICER'S NAME & ID Adam Boyd P027 AGENCY FWC

DIVISION: _____

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 0100

BREATH RESULTS:

Arrest Time 2341

- 1. .181
- 2. .182
- 3. n/a
- 4. n/a

TESTING OFFICER'S ID 7909

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: CERENO TUNARES, EUC F CASE NUMBER: 20-027936

DATE: 01/19/20 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 0124 ENDING TIME: 0140

BREATH TESTS RESULTS: 1) .181 TIME 0134 (A.M./P.M.) 2) .182 TIME 0137 (A.M./P.M.)
3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.

BREATH OPERATOR: G. PARANT #7303

MAINTENANCE TECHNICIAN: KARLKE #6167

TESTING OFFICER'S OBSERVATIONS

SPEECH: STATED SPEAKING SPANISH

ATTITUDE: CALM, QUIET, INDIFFERENT, CO OPERATIVE

CLOTHING: CAMO CAMO SHORTS, BLACK T-SHIRT, BLACK SHOES

MEDICAL CONDITIONS: NONE / ALLERGENIC REACTIONS

MEDICATIONS: NONE / ALLERGENIC REACTIONS

OTHER: EYES GUMMY AND BLOATED, ODOR OF ALCOHOL ON BREATH

COMMENTS: ARRIVED AT CENTRAL A/D BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 0100 HRS.

A STATED WHO HE WOULD NOT TAKE TEST A/D READ Z/K

A ACKNOWLEDGED HE UNDERSTOOD AND AGREED TO TEST

TECH READ BREATH TEST RESULTS A ACKNOWLEDGED HE UNDERSTOOD

10 MINUTE WAIT READ RESULTS OR ATTEMPT Q+A DUE TO LANGUAGE BARRIER

TRANSLATED BY CA R Soriano #9418

SCANNED
JAN 20 2020

SUBJECT: CEDRO TUARIS, ELI F. 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: _____

SCANNED

IAN 2.0 2020

SUBJECT: CEDENO TUAREZ, ELE F. CASE NUMBER: _____

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) _____

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.

SCANNED
JAN 20 2020

SUSPECT'S SIGNATURE: (X) _____

NOT READ ON CAMERA LANGUAGE BASED