0431739 **ARREST / NOTICE TO APPEAR** N 4. Request for Capies Juvenile Referral Report Agency ORI Number Agency Report Number 78 - 21002951 lgency Name PALM BEACH GARDENS POLICE DEPARTMENT FLO 5 0 2 6 0 0 5. Ordinance
6. Other ChargeType: Check as many as apply. Meapon Seized / Type 1. Felony
2. Traffic Felony Multiple 3. Misdemeanor 1. Yes 2. No Clearance 4. Traffic Misdemeanor 2 Location of Arrest (Including Name of Business) Location of Offense (Rusiness N ALT A1A/BURNS RD, PBG, FL ALT A1A/BURNS RD, PBG, FL Date of Arres Time of Arrest **Booking Time** Jail Date Jail Time Location of Vehicle KAUFF'S TOWING AND RECOVERY 4701 EAST AVENUE, WPB, FL 33407 07/08/2021 01:00 Name (Last, First, Middle) TORRES, ELVING, LUIS Race
W - White I - American Indian
B - Black 0- Oriental/Asian
W Date of Birth Eye Color Height Complexion 11/04/1972 BLK M 5'5 185 BLK MED **MED** Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description) Marital Status Religion Indication of: Alcohol Influence Drug Influence SINGLE **CATHOLIC** Local Address (Street, Apt. Number) 61/163 ence Type (703) 626-3596 ... 3. Florida ■4. Out of State LAKE PARK, 1. City 2. County 544 TEAK DR. FL 33403 2 Permanent Address (Street, Apt. Number) (State) Address Source (City) (Zip) LAKE PÄRK, 544 TEAK DR, FL 33403 **VERBAL** Business Address (Name, Street) (State (Zip) Phone D/I Number State INS Number Soc. Sec. Number ace of Birth (City, State) Chizarahin T620212724040 FL PONCE, PR US Co-Defendant Name (Last, First, Middle) 3. Felony
4. Misdeme
5. Juvenile ☐ 1. Arrested 2. At Large 3. Felony
4. Misdem
5. Juvenilir Co-Defendant Name (Last, First, Middle) Oate of Birth 1. Arrested 2. At Large Aradia Name (Last) Legal Custodian
Other: Address (Street, Apt, Number) (SICIO Business Phone (Zip) U Notified by: (Name) Juvenile Disposition

1. Handled/ processed within
Dept. and Released. Dete 2. TOT HRS / DYS Released To: (Name) Date Time The above Codesse provided by I defendent's and or I defendent's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 255-2526) informed of any change of address.

Yes, by: (Name) School Attended Grada to keep the Juvenila
Yes, by: (Name) Description of Property Property Crime? Value of Property Drug Activity N. N/A P. Possess Manufacture/ Z. Othe R. Smuggi D. Deliver E. Use Drug Type N. N/A A. Amphetamine H. Hallucinoger M. Marijuana O. Opium/Derly U. Unknow Z. Other S. Sell B. Buy T. Traffic P. Paraphern Equipment S. Synthetics Produce/ Cultivate C. Cocaine E. Heroin Statute Violation Number Counts Violation of ORD # DRIVING UNDER THE INFLUENCE OVER .08 1 316.193(1)(C) Drug Activity Drug Type Amount / Unit Warrent I Capies Number Domestic Countr Statute Violation Number Charge Description Violation of ORD # Violence
Y

N **DUI ENHANCED OVER .15** 316.193(4) Drug Activity Drug Type Warrant / Capies Number Domestic Violence YN Charge Description Counts Statute Violation Number Violation of ORD # Drug Activity Drug Type Offense Amount I Unit Warrant / Capies Number Charge Description Counts Domestic Violence Statute Violation Number Violation of ORD # Drug Activity Drug Type Amount / Unit Offense # Warrant / Capies Number NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 334102 PHE(561) 662-6700 Court Date and Time Month AUGUST Year 2021 ന^{ല്ല} PM : 11 4 10:00 AM X Day Time AGREE TO APPEAR AT THE TIME, AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD 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 EOR BY ARREST SHALL BE ISSUED. 07/08/2021 8 dant (or Juvenije and Parent /Custodian) Date Signed Name Varification (Printed by Arrested) HOLD for other Agency $\ddot{\varpi}$ Name: വ Dengerous Resisted Arrest ne of Arresting Officer (Print) Suicidel OFC. ANDREW FLINK Other: 514 PAGE

Transporting Office

OFC. A. FLINK

GREEN - STATE ATTORNEY

PRCPD

PINK - AGENCY

YELLOW - AGENCY

514

of 1

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

DANN EKI

DISTRIBUTION: WHITE - COURT COPY

1

D.U.I. PROBABLE CAUSE AFFIDAVIT

On the _	8TH	day of	JULY	20_ 21 at	0047	_ AM PM	•
Subject:	TORRES	S, ELVING, LU	IS	Ca	se Number:	21002951	
Agency:	PALM BEA	CH GARDENS POL	ICE DEPARTMENT	Arresting Office	er: OFC. AND	REW FLINK	514
			PERSONAL	CONTACT			
DRIVING	PATTERN:	(Actual Physical Con	ntrol; Physical Evidence	or Statements Puttin	ng Defendant Behir	nd Wheel of Vehicle	·)
and Butto that just We initiate Office:	rns Rd, t vehic est of (ted. Ai r spoke Elving	PBG, FL, be le. Ofc Her that location fter Ofc Her with the dr	d a Honda two earing Florida nessy conduct on. This Offi messy made in river, identifi ile he was sti	a Tag INHB71 ted a traffic lcer was pre- pitial contactions fied via Flo:	, which was c stop on sent when ct with the rida Drives	s not assign the vehicle the traffic a driver, the License	was his
OBSERVA	TION OF D	RIVER:					
and the	s strong ls breat	g obvious od	speech, flush lor of an unkn sational dist	own alcohol:	c beverage	emanating	· · · · · · · · · · · · · · · · · · ·
DRIVER ST	ATEMENT	 S:		<u> </u>		·	
"Jumby Torres asked t	Bay". admitte o step	Torres furt ed to consum out of the	was coming fr her stated he ing two alcoh vehicle, Torr en he opened	was on his olic beverages es had diffi	way to *Pi ges on this culty open	rate's Well	en en
ODORS: U	nknown alc	oholic beverage.	·				
SPEECH: T	hick slurred		GENERAL OBS	SERVATIONS			
ATTITUDE		, calm				,	
CLOTHING	Black shir	t, black shorts, black	sneakers		4		
MEDICAL/	OTHER: H	igh blood pressure					
ATE OF FLO	-	1		SIGNAT	TURE OF ATTESTING	JUL	CANNE
	strument was		ed and subscribed befo ho is opersonally know	wn to me or produ		y 20 21	
otary Public, (lerk of Court	7, Officer (FSS 117.10	,,	JOSHUA BELL MY COMMISSION #G63460 — EXPIRES: JUN 18, 2023 Bonded through 1st State Insura		,	

D.U.I. PROBABLE CAUSE AFFIDAVIT Cont.

Subject: TORRES, ELVING, LUIS Case Number: 21002951

ROADSIDE 1	TASKS							
HORIZONTAL GAZE NYSTAGMUS:								
LEFT EYE Lack of Smooth Pursuit	RIGHT EYE ✓ Lack of Smooth Pursuit							
Distinct & Sust. Nystag. at Max. Deviation	Distinct & Sust. Nystag. at Max. Deviation							
Onset of Nystagmus Prior to 45 Degrees	Onset of Nystagmus Prior to 45 Degrees							
Other Observations:								
During the exercise, Torres was swaying back and multiple times to follow the stimulus. Torres								
Walk and Turn								
raised his arms more than six inches from his Torres missed heel-to-toe multiple times. Turnaround by coming off the line. During the	During the first set of steps, Torres stumbled off the line on his first step and raised his arms more than six inches from his sides. Through the rest of the set, Torres missed heel-to-toe multiple times. Torres then conducted an improper turnaround by coming off the line. During the return set of steps, Torres missed heel-to-toe on multiple steps and again raised his arms more than six inches from							
One Leg Stand								
During the exercise, Torres raised his left arms more than six inches from his sides. to being told to do so and said "I can't ev can't". Torres then said he was unable to terminated. It should be noted, during the look down at his raised foot.	Torres then placed his foot down prior en do this normally, like I just balance and the exercise was							
Finger to Nose								
During the exercise, the following observations were made: First command of left, Torres used his right hand, touched his nose then corrected to the proper hand and used the pad of his finger. All subsequent commands, Torres touched the tip of his nose with the pad of the corresponding finger.								
BREATH RESULTS: 1)195 @0201 _2)198 @02	2 9 3) @							
STATE OF FLORIDA								
COUNTY OF PALM BEACH	SIGNATURE OF ATTESTING OFFICER							
The forgoing instrument was sworn to or affirmed and subscribed before OFC. ANDREW FLIME 514 who is personally known	me this day of July 20 by							
	A A A A A A A A A A A A A A A A A A A							
	EXPIRES: JUN 18, 2023 ed through 1st State Insurance STAMP							



PALM BEACH GARDENS POLICE DEPARTMENT DUI TESTING FACILITY INFORMATION SHEET



Agency Case #: 21002951 Crash	A			
	Case #:			
Incident Information:				
Time of Stop/Crash: 0047 Date of Incident: $07/0$				
Location of Incident: ALT A1A/BURN	S RD, PBG, FL			
Arrest Information:				
Time of Arrest: 01:00 Date of Arrest: 07/08/	2021 Day: THURSDAY			
Location of Arrest: ALT A1A/BURNS				
Subject's Name: (L) TORRES , (F) ELVI				
DOB: 11/04/1972 Race: W Sex: M Height: 5'5 We				
Address: 544 TEAK DR, LAKE PARK, FL 3340	3 Phone: (703) 626-3596			
Arresting Officer's Name: OFC. ANDREW FLINK	ID#:514			
Agency: PBGPD Division: TRAFFIC - DU	<u>I</u>			
	BAT Use			
Breath Results	BAT Notified: YES			
1)	Arrival Time at BAT: 0130			
2) <u>198</u> at <u>0204</u> hrs. 3) <u>-</u> at <u>-</u> hrs. 4) <u>-</u> at <u>-</u> hrs.	Subject Arrest Time: 01:00			

Breath Test Operator: BELL, JOSH 8656
PBSO

TESTING FACILITY TASK REPORT

	AGENCY: PBG				
SUBJECT: TORRES, ELVING LUIS	CASE NUMBER: 21-083583				
DATE: Jul 8, 2021	VIDEO DVD NUMBER: N/A				
BEGINNING TIME: 0157	ENDING TIME: 0210				
BREATH TESTS RESULTS: 1) .195 TIME 0201 A.M. ☐ F	P.M.				
3) N/A TIME XX A.M.	P.M				
BREATH OPERATOR: JOSHUA J BELL #8656					
MAINTENANCE TECHNICAN: J. KARLECKE #6467					
TESTING OFFICER'S OBSERVATIONS					
SPEECH: SLURRED					
ATTITUDE: TALKATIVE, COOPERATIVE					
CLOTHING: BLACK TEE SHIRT, BLACK SHORTS, BLACK SHOES					
MEDICAL CONDITIONS: HIGH BLOOD PRESSURE					
MEDICATIONS: BLOOD PRESSURE MEDS, ADDERALL, PRILOSEC					
OTHER: EYES: BLOODSHOT, GLASSY					
COMMENTS:					
ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 0130 HOURS					
SUBJECT STATED HE WOULD TAKE BREATH TEST BREATH TEST COMPLETED.					
A/O READ RIGHTS SUBJECT STATED HE UNDERSTOOD HIS RIGHTS					
TECH READ BREATH TEST RESULTS SUBJECT STATED HE UNDERSTOOD BREATH TEST RESUL	TS				
A/O CONDUCTED Q AND A SUBJECT ANSWERED Q AND A					

SCANNED JUL 08 2021

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: 80-006238 Software: 8100.27

Date of Test: 07/08/2021

Date	οf	Last	Agency	Inspection:	06/11/2021
~1				_	

Observation Period Began: 01:30 Subject's Name: ELVING L TORRES

DOB: 11/04/1972 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	7	
	Diagnostics Check	ОК	01:59		
	Air Blank	0.000	01:59		
	Control Test	0.080	02:00		
	Air Blank	0.000	02:00		
i i	Subject Sample #1	0.195	02:01		
:	Air Blank	0.000	02:02		
İ	Air Blank	0.000	02:03		
	Subject Sample #2	0.198	02:04		
	Air Blank	0.000	02:04		
ļ.	Control Test	0.079	02:05		
	Air Blank	0.000	02:05		
	Diagnostics Check		02:05		

Cylinder Lot: 02021080A1 Exp: 03/05/2023

State of Florida, County of Palm Beach,

() 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 i
accordance wi	th Chapter 11D-8,	Florida Administrative Code, and this form is a true and accurate
	t breath test.	

Personally appeared before me the undersigned authority, who (V is personally known to me or

Breath Test Operator:

Sworn

s CB day of July , 2021

Signature of Notary Public-State of Florida

Printed Name of Notary Public-State of Florida

Date: 07/08/21

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.

JUL 08 2021

PBSQ #0129B REV. 06/11

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

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

HOTE, READ ONDE THE CONTRACTOR OF THE SECOND
I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol
contentOR-
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.
of the
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 period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a re 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 of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of 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 RIGH
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.
$^{SC_{ANA}}$
SUSPECT'S SIGNATURE: (X) Recident Commerce SCANNEL OB 2021
WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

•	~	_			1	` _
SUBJECT:	low	e5.	FIV	100	LU	115

CASE NUMBER: 21-002951

PINK - CENTRAL RECORDS GOLD - IAIL

200

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? WHEN DID YOU LAST EAT? WHAT DID YOU EAT? WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? WHAT? HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING?_ HOW MUCH? WHERE? _____ WITH WHOM? AND YOUR LAST DRINK? _____ WHEN DID YOU HAVE YOUR FIRST 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? ______ WHAT? _____ ARE YOU SICK OR INJURED? A 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: Ofc. H. Flink # 514



Palm Beach County Sheriff's Office – Arrests Only

	х	Florida State Statute	Description	Page Number(s)
		119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
ions		943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
L/E Exemptions		119.071(4)(c)	Undercover personnel.	
L/E E	П	119.071(2)(f)	Confidential informants (CIs).	
	П	119.071(2)(e)	Confession.	
'ns		985.04(1)	Juvenile offender records.	
mptio	П	119.071(h)(i)	Assets of a crime victim.	
Public info. Exemptions	П	395.3025(7)(a), 456.057(7)(a)	Medical information.	
olic Im		394.4615(7)	Mental health information.	
P	П	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.	
	×	(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.	
of 23)		(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
Rule	□	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)				
I Administr				
es of Judicia				
Florida Rule				
ìer			Other:	
Other		Y	Other:	

REVIEW COMPLETED BY

	Date: 7/8/21
Booking Number: 2021016737	Specialist Name/ID: A. Pinkney/7796