



Arrest Report

21CT-14491

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

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Report Date / Time 8/27/2021 11:35 PM	Report Number FHP99ARR762796	Case Number/Cad Number FHPL21OFF056624 / LWRC21CAD156462	Reporting Officer Name B. HANDZIK
Originating Agency ORI	Occur Date Time Range 08/27/2021 23:53:43 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description CONGRESS AVE/ BELVEDERE ROAD			
Street Number	Street CONGRESS/BELVEDERE	Apt/Lot/Bldg	City WEST PALM BEACH	State FL	Zip Code

Defendant

First Name ERIC	Middle Name	Last Name GIRALDO	Suffix	Race HISPANIC WHITE	Sex MALE	Height 600	Weight 185	Hair BRN	Eyes BRN
MNI #	SSN	Date of Birth 05/16/1990	Age 31	ID Type E	Drivers License or other ID G643200901760	State FL	OCA / Agency ID		
Place of Birth:	FL, WPB								
Address * RESIDENCE / 4055 PALM BAY CIR APT A, WEST PALM BEACH, FL 33406 /									

Arrest

Arrest Date/Time 8/27/2021 11:53:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description CONGRESS AVE				
Street Number	Street CONGRESS AVE	Apt/Lot/Bldg	County PALM BEACH	City WEST PALM BEACH	State FL	Zip Code

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 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

On Friday, August 27, 2021, at 11:30 p.m., Trooper Villarin and I were patrolling Palm Beach County. We were traveling southbound on Congress Ave (State Road

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807) north of Belvedere Road when we observed a Jupiter Police Officer in a traffic stop in the outside left turn lane to eastbound Belvedere Road. The JPD officer was participating in a DUI saturation patrol with the Palm Beach County Sheriff's Office (mutual aid agreement). I stopped behind the JPD Officer as backup. Officer Salvamini advised he stopped the silver colored Mazda for speeding. The vehicle also swerved over the solid white line that bordered the cement median. The driver then failed to stop for a great distance (see Officer Salvamini's probable cause report) Officer Salvamini advised the driver, who he identified by his Florida Driver License G643-200-90-176-0 as Eric Giraldo, with a DOB of 5/16/1990 was acting strange. Officer Salvamini requested a DUI unit to take over the traffic stop. I approached the driver and sole occupant at the driver's side door and identified myself. I asked GIRALDO if he knew why the JPD Officer stopped him. He advised for speeding. I asked GIRALDO where he was coming from and he stated from his residence at Belvedere and Jog Road. He was traveling to checkers to get food. GIRALDO had a blank stare and slight slur when he spoke. I asked him if he had consumed any alcoholic beverage and he stated no.

I asked GIRALDO to perform roadside exercise, which he agreed to do. The roadway was level, well lit and free of debris. GIRALDO was wearing sneakers. For the walk and turn exercise the solid yellow inside lane that bordered the inside left turn lane was utilized. I asked GIRALDO to step out of the vehicle. GIRALDO swayed while standing. I advised all officers on scene to turn off their front emergency and take down lights on their patrol vehicle. I asked GIRALDO if he had any medical condition and he stated he has a bad back. I asked GIRALDO if he was taking any medication and he stated he was taking muscle relaxer and was coming off an unknown respiratory medication.

During the HGN exercise GIRALDO had to be reinstructed to follow the red stimulus. I did not observe horizontal gaze nystagmus at maximum deviation, lack of smooth pursuit and onset of nystagmus prior to 45 degrees. I also did not observe vertical gaze nystagmus and lack of convergence. GIRALDO swayed while standing.

Walk and Turn exercise:

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Instruction stage: GIRALDO had trouble getting into the correct starting position. I explained again left foot first and the right foot in front of his left foot. GIRALDO swayed while standing. GIRALDO started the exercise before he was told to do so. GIRALDO lost balance in the starting position. This exercise was demonstrated to GIRALDO. He stated he understood the instructions and did not have any questions.

Walk and turn stage:

GIRALDO took slow deliberate steps and didn't look at his feet while walking. At the seventh step he stopped to steady himself. GIRALDO did not take several small steps to turn around left and instead took one swing to the right to turn around. After the turn GIRALDO stepped off the line with the right foot, leaned to the right and briefly lost balance. On the sixth step he stopped to steady himself. During the whole exercise he kept his hands firm (and his elbows slightly bent) against his hip area instead of as instructed next to his body.

One leg stand:

Instruction stage:

GIRALDO left his starting position and then asked me if he could just blow in a breathalyzer. I explained to him that it was not the procedure. I asked him if he wanted to continue the exercise and he agreed to continue with the exercise. This exercise was demonstrated to GIRALDO. He stated he understood the instructions and did not have any questions.

Balancing and Counting stage:

GIRALDO raised his right foot and kept both of his knees bent. During the whole exercise GIRALDO raised his arms more than 6 inches away from his body, to maintain balance. GIRALDO did not look at his elevated foot during the whole exercise. He counted "1,2,3,4,5,6" and then started at 1 again, instead of "1001..1002" as instructed. He counted his way for 4 sets. He then placed his hands on top of his head and then waved his hands up and down. He concluded the exercise with a front kick. At the end of this exercise I asked him again if he

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understood the instructions and he stated yes.

Finger to Nose:

This exercise was demonstrated to GIRALDO. He stated he understood the instructions and did not have any questions. GIRALDO indicated he did not want to close his eyes, as he was afraid he "would make the wrong move/gesture." Therefore, this exercise was not completed as instructed. The defendant used the correct hand at all times. In the beginning he had to be reinstructed to return to the starting position. Since this exercise was not performed as designed, a clear conclusion of observations could not be obtained.

Romberg balance:

Was not performed since GIRALDO would not want to close his eyes.

At 11:53 p.m., GIRALDO was placed under arrest for DUI, pursuant to F.S.S. 316.193 (1) and was transported to the Palm Beach County Jail for booking. At the county jail, a 20 min observation time was conducted. GIRALDO was then asked to provide a breath sample, which he provided. Both samples were 0.000. I then asked GIRALDO to provide a urine sample which he provided. GIRALDO was read the Miranda Warning which he understood. He then refused to answer any questions. I asked GIRALDO if he was willing to perform a drug evaluation conducted by a Drug Recognition Expert. GIRALDO first agreed, but then refused.

This incident occurred in Palm Beach County and the roadside exercise and the transport to the Palm Beach County jail was recorded via in-car camera in FHP1680.

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

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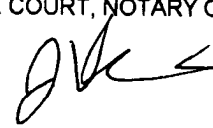
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Court County PALM BEACH	Court Location 3188 PGA BLVD. PALM BEACH GARDENS, FL 33410		
Court PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Appearance Date / Time 09/29/2021 8:30 AM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
B. HANDZIK SGT 3268	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL1LWRC\PALM BEACH\LANTANA SUPERVISR

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 B. HANDZIK	Office Rank SGT	Officer ID No 3268	Sworn and subscribed before me, the undersigned authority This the <u>28th</u> day of <u>August</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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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: 80-006477 Software: 8100.27
Date of Test: 08/28/2021

Date of Last Agency Inspection: 08/13/2021
Observation Period Began: 00:15
Subject's Name: ERIC GIRALDO

DOB: 05/16/1990 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	00:41
	Air Blank	0.000	00:42
	Control Test	0.079	00:42
	Air Blank	0.000	00:42
	Subject Sample #1	0.000	00:43
	Air Blank	0.000	00:43
	Air Blank	0.000	00:45
	Subject Sample #2	0.000	00:46
	Air Blank	0.000	00:46
	Control Test	0.079	00:47
	Air Blank	0.000	00:47
	Diagnostics Check	OK	00:47

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

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 SHARI 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: 08-23-21
Signature

Sworn to (or affirmed) before me this 28 day of August, 2021

Signature of Notary Public-State of Florida [Signature] Printed Name of Notary Public-State of Florida Sgt. Handzlik #3268

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.

TESTING FACILITY TASK REPORT

AGENCY: FHP SGT. HANDZIK #3268

SUBJECT: GIRALDO, ERIC

CASE NUMBER: 21-100657

DATE: 08-28-21

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 00:38 HRS

ENDING TIME: 00:49 HRS

BREATH TESTS RESULTS: 1) .000 TIME 00:43 A.M. ☒ P.M. ☐ 2) .000 TIME 00:46 A.M. ☒ P.M. ☐
3) TIME A.M. ☐ P.M. ☐ 4) TIME A.M. ☐ P.M. ☐

BREATH OPERATOR: S.O'NEAL #6212

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, COOPERATIVE, RAMBLING, SARCASTIC

CLOTHING: SHIRT- BLACK/BLUE PANTS- BLUE JEANS

MEDICAL CONDITIONS: BACK PROBLEMS

MEDICATIONS: MUSCLE RELAXERS

OTHER:

EYES: A LITTLE RED, GLASSY

COMMENTS:

20 MIN. OBSERVATION CONDUCTED BY A/O REQUESTED THE BREATH TEST.
D SUBMITTED TO THE BREATH TEST.
D COMPLETED THE BREATH TEST CORRECTLY
EXPALINED THE BREATH RESULTS TO THE D.
A/O REQUESTED URINE ON CAMERA.
D SUBMITTED TO THE URINE REQUEST.
C/W READ ON CAMERA.
D REFUSED Q&A
D GAVE URINE SAMPLE

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

PBSO CASE # 21-100637 PBSO ZONE 1-11
AGENCY CASE # FHPL21OFF0566 CRASH CASE # _____
TIME OF STOP/CRASH 11:35 pm DATE 8/27/2021 DAY FRIDAY
SUBJECT'S NAME Erik Giraldo RACE W SEX M
HGT 6-00' WGT 185LBS DOB 09/16/1990
LOCATION 2749 Congress Ave/BELVEDERE RD, West Palm Beach
ARRESTING OFFICER'S NAME & ID Sgt Handzik #3268 AGENCY FHP
DIVISION: 31st
NOTIFIED BY COMMO ✓
ARRIVAL AT FACILITY 0015 HRS
Arrest Time 2353 HRS
BREATH RESULTS:
1. .000
2. .000
3. Urine Pending
4. _____
TESTING OFFICER'S ID 6212

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SUBJECT: Eric Giraldo

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) _____

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) Eric Giraldo

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SUBJECT: Eric Giraldo 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? _____



**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	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2021021443

Date: 8/28/2021

Specialist Name/ID: J. Beck/9007

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