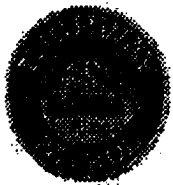


#0210952

2001/1690

PCH-2160



Arrest Report

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

Report Date / Time 9/18/2020 10:52 PM	Report Number FHP99ARR819892	Case Number/Cad Number FHPL20OFF052328 / LWRC20CAD139862	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 09/18/2020 20:52:25 - 09/19/2020 02:04:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95 SOUTHBOUND ENTRANCE RAMP FROM OKEECHOBEE BLVD
Street Number S I-95 SB ENTRANCE RAMP	Street	Apt/Lot/Bldg WEST PALM BEACH
City WEST PALM BEACH	State FL	Zip Code 33409

Defendant

First Name FABIAN	Middle Name XAVIER	Last Name MORRISON	Suffix	Race WHITE	Sex MALE	Height 510	Weight 180	Hair BRO	Eyes HAZ
MNI #	SSN	Date of Birth 02/10/1969	Age 51	ID Type E	Drivers License or other ID M625259690500	State FL	OCA / Agency ID		
Place of Birth:	HUNTINGTON NY UNITED STATES								
Address * RESIDENCE / 3915 S FLAGLER DR APT 104, WEST PALM BEACH, FL 33405 / 561-713-9206									

Arrest

Arrest Date/Time 9/18/2020 10:16:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description HILTON PARKING LOT
Street Number 150	Street AUSTRALIAN AVE	Apt/Lot/Bldg
County PALM BEACH	City WEST PALM BEACH	State FL
		Zip Code 33406

Charge : S

Counts 1	Charge 316.193.3c1	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree F	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI AND DAMAGE PROPERTY			
Is Arrestee Juvenile?			No
Type of Arrest			On-View Arrest (apprehension without a warrant or previous incident report)

Bond Set by Court

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

Probable Cause

Spann #8101

Report Date / Time 9/18/2020 10:52 PM	Report Number FHP99ARR819892	Case Number/Cad Number FHPL20OFF052328 / LWRC20CAD139862	Reporting Officer Name IV, ANDREW L
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On 9/18/2020 at approximately 9:10PM I arrived on the scene of a vehicle crash in the area of the Interstate 95 southbound entrance ramp from Okeechobee Boulevard I observed a vehicle partially blocking the entrance ramp. The vehicle was a gray Honda Accord with heavy front end damage and an attached Florida tag of CFAZ86. A Road Ranger was parked behind the vehicle with amber emergency lights activated. Upon examination the vehicle was unoccupied and the keys were not inside the vehicle. I observed that there was damage to the green metal railing that was adjacent to the entrance ramp on Okeechobee Boulevard on the south side. This damage was consistent with an impact with the front of the gray Honda Accord. There was also a piece of green metal tubing from the railing that was still lodged in the front of the gray Honda Accord. A short time later the registered owner of the Honda Accord arrived on scene who was later identified by her Florida drivers license information via FCIC/NCIC as Julianna Marie Morrison. She was accompanied by her husband who was later identified by his Florida drivers license as Fabian Xavier Morrison (FL DL: M625259690500). Mrs. Morrison stated that she had received a phone call from her husband earlier stating there was a big problem and asking her to pick him up from the Starbucks off of Okeechobee Boulevard near the area where we had located the gray Honda Accord. She later advised me that when she picked up her husband he had the keys to the gray Honda Accord which he then gave to her. As they were driving eastbound on Okeechobee Boulevard she saw the emergency lights at the Interstate 95 entrance ramp and stopped to investigate, believing that the incident may be related to her husband. I spoke to Mr. Morrison outside the vehicle and I smelled the strong odor of an unknown alcoholic beverage coming from his breath and facial area as he spoke. I noticed that he was sweating profusely and he had a fresh injury to his left leg that was bleeding slightly. I noticed that his speech was slurred and his eyes were red and glassy. After completion of my crash investigation I informed him that the crash investigation had ended and I was starting a criminal investigation for DUI. I read him his Miranda Rights from a Florida Highway Patrol Miranda warning printout. He stated that he understood his rights and agreed to speak with me. He alleged that he was not driving the gray Honda Accord and that he had lent his vehicle to his friend by the name of Jerry Ciceroni. His wife later stated that her husband had not spoken to Jerry for five years and that he lived out west in Loxahatchee. I spoke to a witness who

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observed the driver of the gray Honda Accord exit the vehicle. This witness was identified by his Florida drivers license as Luan Felipe Alves Costa (FL DL: C230526903630). Mr. Costa stated that the driver of the gray Honda Accord was a middle aged white male who was wearing a plaid, possibly gray shirt and khaki shorts. This matched the physical description of Mr. Morrison who is a white male, who was wearing a bluish/gray plaid shirt and khaki shorts. I asked Mr. Morrison if he had any medical conditions and he stated that he had kidney cancer and diabetes. I asked if he was having a diabetic episode right now and he stated no. I asked if he had anything to drink and he stated that he had one draft beer around 4:00PM. I asked on a scale of 1 to 10 with 1 being completely sober and 10 falling over drunk where he would rate himself and he stated a 0. I asked him if he was willing to perform standardized field sobriety exercises and after showing initial reluctance he eventually agreed to perform the exercises. At one point Mr. Morrison stated that he had moved the gray Honda Accord to the left and off the road after his friend Jerry crashed. I later transported Mr. Morrison in the backseat of my marked patrol vehicle to the Hilton parking lot off of Southern Boulevard at 150 Australian Avenue in West Palm Beach. When we arrived at the parking lot I asked Mr. Morrison if he wore glasses or contacts and he stated that he wore reading glasses but they were not prescribed. Prior to administration of the exercises Mr. Morrison changed his mind and refused to perform the exercises. I advised Mr. Morrison that his refusal to do the exercises could be used against him and that I would have to make a decision based upon my observations up till that point in time. He still refused to perform the exercises. Based upon the above information and the totality of the circumstances I determined that there was probable cause to believe that Fabian Xavier Morrison committed the offense of driving under the influence by being in actual physical control, or operating a motor vehicle while under the influence of alcohol and or controlled substances and causing property damage as outlined in Florida State Statute 316.193(3)c(1). He was subsequently handcuffed behind his back. Mrs. Morrison later advised me that Mr. Morrison stated to her that he was driving the gray Honda Accord and he was hit by another vehicle. After being searched he was placed in the backseat of my patrol vehicle and transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. After a 20 minute observation where the subject did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to the

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Originating Agency ORI	Occur Date Time Range 09/18/2020 20:52:25 - 09/19/2020 02:04:00	Jurisdiction	Clearance

start of the observation period) I asked him to provide a breath test sample to test for the alcoholic content of his breath. He refused to provide a breath test sample. I then read him the Florida Implied Consent drivers license suspension warning and he stated that he understood what I had read and still refused to provide a breath test sample. A refusal time of 11:07PM was notated. He was later taken to JFK North Medical Center for medical clearance. After he was medically cleared he was transported back to the Palm Beach County Jail and booked without incident. He was issued a DUI citation in addition to a uniform traffic citation for careless driving. All of the above events occurred in Palm Beach County, FL.

Note: My patrol vehicle is equipped with in car video and audio that is available upon request. At the time of the arrest I was accompanied by Recruit Trooper Kens Depeine (#4782) and was functioning as his Field Training Officer during Phase III of the Florida Highway Patrol Field Training Program.

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 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time 10/15/2020 8:30AM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
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IV, ANDREW L TPR 3651	PRIMARY / REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPLILWRCCIPALM BEACHSR702 TO MARTIN LN
DEPEINE, KENS TPR 4782	ASSISTING	FLORIDA HIGHWAY PATROL FHPLILWRCCIPALM BEACHBROW LN TO SR804
MASTERTSON, MONIQUE TPR 4467	ASSISTING	FLORIDA HIGHWAY PATROL FHPLILWRCCIPALM BEACHSR804 JSOF SR702

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST**

I, IV, ANDREW L, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FLORIDA HIGHWAY PATROL, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 18th day of September, 2020, at 10:16 P.M. A.M.

DRIVER FABIAN XAVIER MORRISON
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# M625259690500, state of FL, was placed under lawful arrest for

the offense of 316.193(3)(c)1
D.U.I. - PROPERTY DAMAGE/PERSONAL INJUR... by IV, ANDREW L and
(Name of Arresting Officer)

issued Citation # A76Z9BE

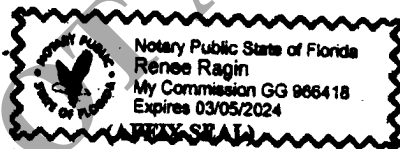
That on or about the 18th day of September, 2020, at 11:07 P.M. A.M.
in Palm Beach County,

I requested that the driver submit to a breath and/or urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test (s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

Andrew L

Signature of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)



The foregoing instrument was sworn and subscribed before
me this 19 day of Sept, 2020.

by TPR Andrew L

who is personally known to me or who has produced

known as identification.

Notary Public [Signature]

HSMV-BAR1001 (REV. 10/2016)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated
Bureau of Administrative Reviews office,
Department of Highway Safety and Motor
Vehicles, with the driver's license, the
appropriate copy of the UTC, and the
probable cause affidavit.



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

PBSO CASE # 20-108473

AGENCY CASE# FHPL20OFF052328

AGENCY ZONE 3-22

CRASH CASE # FHPL20OFF052328

TIME OF STOP/CRASH ~8:49PM

DATE 9/18/2020

DAY FRIDAY

SUBJECT'S NAME FABIAN XAVIER MORRISON

RACE WHITE

SEX MALE

HGT 5'10"

WGT 180LBS

DOB 2/10/1969

LOCATION INTERSTATE 95 SOUTHBOUND ENTRANCE RAMP FROM OKEECHOBEE BLVD

ARRESTING OFFICER'S NAME & ID TPR ANDREW IV #3651

AGENCY FLORIDA HIGHWAY PATROL

DIVISION: TROOP L - LAKE WORTH

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 2243

BREATH RESULTS:

ARREST TIME 10:16PM

1. REFUSED
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 19183

PBSO VIDEOTAPE # n/a

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: Morrison, Fabian X

CASE NUMBER: 20-108473

DATE: 09/18/2020

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2305

ENDING TIME: 2308

BREATH TESTS RESULTS: 1) R TIME 2307 A.M. P.M. 2) 0 TIME n/a A.M. P.M.
3) 0 TIME n/a A.M. P.M. 4) 0 TIME n/a A.M. P.M.

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: slurred, thick

ATTITUDE: cooperative, talkative

CLOTHING: green shorts, blue plaid shirt, gray sneakers

MEDICAL CONDITIONS: Cancer

MEDICATIONS: Chemo

OTHER:

eyes are glassy & bloodshot

odor of unknown alcoholic beverage on breath

REFUSED

COMMENTS:

arrived at center A/O conducted 20 minute observation period at 2243 hrs.

subject refused to perform breath test

A/O read I/C & subject understood I/C

subject refused to perform breath test

A/O read rights & subject understood rights

A/O attempted Q&A

subject invoked right to counsel

REFUSED

SUBJECT: Morrisson, Fabian X

CASE NUMBER: F#PL200FF052328

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: _____

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

SUBJECT: Morrison, Fabian X

CASE NUMBER: FHPL200FF652328

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 Trp. A IV #3051 of the EMP. L

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) had 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.

SUSPECT'S SIGNATURE: (X) had on camera



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
I/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"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2020022171	Date: 09/19/2020
	Specialist Name/ID: T Howard/7185