

0572997

Arrest Report

20CT12817 mB

2694

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

Report Date / Time 4/9/2020 08:27 PM	Report Number FHP99ARR819893	Case Number/Cad Number FHPL20OFF057082 / LWRC20CAD152489	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 10/09/2020 17:39:55 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95 SOUTHBOUND EXIT RAMP TO CONGRESS AVE			
Street Number S INTERSTATE 95 EXIT RAMP	Street	Apt/Lot/Bldg BOCA RATON	City	State FL	Zip Code 33487

Defendant

First Name JANICE	Middle Name ELAINE	Last Name CZARNIECKI	Suffix	Race WHITE	Sex FEMALE	Height 503	Weight 125	Hair BRO	Eye BRO
MNI #	SSN	Date of Birth 11/01/1954	Age 65	ID Type E	Drivers License or other ID C652425549010	State FL	OCA / Agency ID		
Place of Birth:	FORT LAUDERDALE FL UNITED STATES								
Address	* RESIDENCE / 1448 NW 49TH LN , BOCA RATON, FL 33431 / 561-271-0509								

Arrest

Arrest Date/Time 10/9/2020 7:37:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description THE GREAT RIVER NILE MOBILE GAS STATION				
Street Number 8081	Street CONGRESS AVENUE	Apt/Lot/Bldg	County PALM BEACH	City BOCA RATON	State FL	Zip Code 33487

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)

Charge : S

Counts 1	Charge 316.193.1A	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			

Arrest Report

SPANN 8101

2020 OCT 10 10:23 AM
FHP

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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

On 10/9/2020 at approximately 5:55PM myself (Trooper Andrew Iv #1112) and Recruit Trooper Kens Depeine #1851 responded to the scene of a reported crash in the area of the Interstate 95 southbound exit ramp to Congress Avenue. I spoke to Trooper Marquis Gonzalez who was already on scene via telephone and he informed me that the at fault driver showed signs of alcohol impairment, advising that she had the strong odor of an alcoholic beverage coming from her breath and she could barely stand. Upon our arrival I observed a white Range Rover SUV (attached Florida tag: IZYK26) parked on the right shoulder of the exit ramp with heavy front end damage. There was also an involved white Chevrolet work van (attached Florida tag: 833RKP) that had damage to the rear consistent with a front to rear end collision. Trooper Marquis Gonzalez completed the crash investigation while myself and Recruit Trooper Depeine took over the criminal driving under the influence (DUI) investigation. Trooper Gonzalez would later travel to Delray Medical Center and speak to the driver of the white Chevrolet work van who was identified by his Florida driver's license as CHRISTIANO,GULDE,BRANDAO (FL DL: B653107742070). Trooper Gonzalez also obtained a sworn witness statement from Mr. Brandao documenting what he had observed. Mr. Brandao would be the wheel witness for the investigation. I spoke to the driver of the white Range Rover SUV and identified her by her Florida driver's license as JANICE,ELAINE,CZARNIECKI (FL DL: C652425549010). As I spoke to Mrs. Czarniecki I smelled the strong odor of an unknown alcoholic beverage coming from her breath and facial area as she spoke despite the fact that she and I were wearing a surgical mask. Her eyes appeared to be red and glassy and she seemed to be unsteady on her feet. I informed her that the crash investigation had ended and I was beginning a criminal investigation for DUI. I read her her Miranda Rights from a Florida Highway Patrol Miranda Warning printout. She stated that

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she understood her rights and agreed to speak with me. She admitted to being the driver of the white Range Rover and striking the rear of the other vehicle. I asked her if she had anything to drink and she stated she had not. I asked her where she was coming from and she stated that she was driving from Tallahassee to her home in Boca Raton, FL. I asked if she was taking any prescription medication and she stated that she took diet pills and medication for high cholesterol. At times she appeared to have trouble thinking and recalling facts. I asked her if she was willing to perform standardized field sobriety exercises and she agreed to perform them. We relocated to the nearby Great River Nile Mobile gas station to administer the exercises. We gave Mrs. Czarniecki a ride to the gas station and she rode in the backseat of our marked patrol vehicle. Prior to the administration of the exercises I confirmed that she was not injured. I also asked if she had any medical conditions and she stated no but she was prescribed medication for her high cholesterol. I confirmed that she wore prescription glasses and she affirmed that she did, having a pair of glasses hanging from her white shirt. She stated that she did not wear contacts. (Note: The below summary is not intended to be a verbatim account of all the events that took place during the administration of the standardized field sobriety exercises. Video footage and audio of the exercises is available upon request.) Each exercise was explained and demonstrated prior to the subject attempting to perform the exercise.

Horizontal Gaze Nystagmus Exercise (Streamlight red LED pen used as a contrasting stimulus)

- I checked for resting nystagmus which was not observed in either eye
- I checked for equal pupil size and equal tracking; Both pupils were equal in size and both eyes tracked the stimulus equally.
- I observed a lack of smooth pursuit in both eyes
- I observed distinct and sustained nystagmus at maximum deviation in both eyes
- I observed nystagmus prior to 45 degrees in both eyes

Walk and Turn Exercise (A painted white line from a parking space was utilized during the exercise)

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- Did not stay in the starting position as instructed
- Used arms to balance
- Did not walk heel to toe on multiple steps with a gap between the heel and toe
- Appeared to nearly lose balance

One Leg Stand Exercise

- Did not keep hands to the side as instructed
- She placed her foot down multiple times
- Swayed

Modified Romberg Balance Exercise

- Approximately 30.46 second elapsed during the 30 second time estimation

Finger to Nose Exercise

- Subject missed touching the tip of her finger to the tip of her nose on multiple occasions
- Subject initially raised the wrong arm and then corrected herself raising the correct arm to attempt the finger touch

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Janice Elaine Czarniecki committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcoholic beverages, any chemical substance per Florida State Statute 877.111, or any controlled substance per Chapter 893, while their normal faculties were impaired. There is also probable cause to believe that Mrs. Czarniecki committed the offense of DUI resulting in property damage by colliding with the rear of the white Chevrolet van driven by Mr. Brandao with the front of the white Range Rover she was driving. Mrs. Czarniecki was placed under arrest for the above offenses and handcuffed behind her back. After being searched she was placed in the backseat of our marked patrol vehicle. She was later transported to the Palm

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Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility a 20 minute observation period was conducted where she did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). She was then asked to provide a breath test sample to test for the alcoholic content of her breath. She initially would not provide a yes or no answer asking what would happen if she refused. She was then read the Florida Implied Consent drivers license suspension warning and she eventually agreed to perform the breath test after long contemplation. She provided a first breath test sample of 0.124 and 0.120. The Constitutional Warning document was then read and Mrs. Czarniecki stated that she understood her rights and agreed to answer our questions. She admitted that she had drank two small bottles of an alcoholic beverage around 11:00AM in Tallahassee. See the BAT question and answer document and video footage for the complete account. She was then placed in a holding cell and the handcuffs were removed. After I finished my rough arrest report she was taken from the holding cell and handcuffed behind her back again. She was then transported to Good Samaritan Off Campus for a medical clearance. After she was medically cleared I transported her back to the Palm Beach County Jail and she was booked without further incident. Mrs. Czarniecki was issued a DUI citation in addition to uniform traffic citation for DUI resulting in property damage. Trooper Gonzalez issued her 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.

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
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SUBJECT: CRASH INVOLVING SUBJECT CASE NUMBER: FWA 24 FF 057052

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? Yes

WHERE WERE YOU GOING? home

WHAT STREET OR HIGHWAY WERE YOU ON? I-45

DIRECTION OF TRAVEL? South WHERE DID YOU START? Tollbooth

WHAT TIME DID YOU START? 10:00 AM WHAT TIME IS IT NOW? 10:15 AM

WHAT IS TODAY'S DATE? October WHAT DAY OF THE WEEK IS IT? Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? Polk County, Lake County

WHEN DID YOU LAST EAT? nothing WHAT DID YOU EAT? fried egg

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? nothing here

HOW MUCH DO YOU WEIGH? 130 lb HAVE YOU BEEN DRINKING? Yes WHAT? good wine

HOW MUCH? 2 small wine WHERE? Tollbooth WITH WHOM? alone

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

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? drinks in little slow

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? no ARE YOU UNDER THE INFLUENCE? no

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? no HOW MUCH? N/A

WHAT? N/A WHERE? N/A WHEN? N/A

WHAT LINE OF WORK ARE YOU IN? none WHEN DID YOU LAST WORK? N/A

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? no WHAT? N/A

ARE YOU SICK OR INJURED? no WHAT'S WRONG? N/A

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

WERE YOU IN AN ACCIDENT TODAY? Yes

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? no WHEN? N/A

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? no WHO? N/A WHY? N/A

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? Yes WHAT? add'l, b, t, pill WHEN? last night

DO YOU HAVE:

- EPILEPSY? no
- GLASS EYE? no
- FALSE TEETH? no
- EAR INFECTION? no
- INNER EAR TROUBLE? no
- DIABETES? no

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? N/A

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? no WHERE? no

INTERVIEWER: _____

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: Czarniecki, Janice E.

CASE NUMBER: 20-115124

DATE: 10/09/2020

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2053

ENDING TIME: 2113

BREATH TESTS RESULTS: 1) .124 TIME 2101 A.M. P.M. 2) .120 TIME 2104 A.M. P.M.
3) N/A TIME ----- A.M. P.M. 4) N/A TIME ----- A.M. P.M.

BREATH OPERATOR: G. Parent #7909

MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Deliberate.

ATTITUDE: Upset, inquisitive, co operative.

CLOTHING: Black leggings, white buttondown blouse, pink sneakers.

MEDICAL CONDITIONS: High cholesterol.

MEDICATIONS: Statin, diet pills.

OTHER:

Eyes glassy and bloodshot. Odor of an unknown alcoholic beverage on breath.

COMMENTS:

Arrived at Center A/O began the 20 minute observation period at 2027 hrs.

Subject asked what if she doesn't take test.

A/O read I/C.

Subject stated he understood I/C and again agreed to take test.

A/O read rights.

Subject stated he understood rights.

Tech. read test results. Subject stated she understood test results

A/O conducted Q/A.

Subject answered questions.



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

PBSO CASE # 20-115124 AGENCY CASE# FHPL20OFF057082
AGENCY ZONE 4-23 CRASH CASE # FHPL20OFF057082
TIME OF STOP/CRASH ~5:40PM DATE 10/9/2020 DAY FRIDAY
SUBJECT'S NAME JANICE, ELAINE, CZARNECKI RACE WHITE SEX FEMALE
HGT 5'3" WGT 125LBS DOB 11/01/1954
LOCATION INTERSTATE 95 SOUTHBOUND EXIT RAMP AND CONGRESS AVENUE
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 2021
BREATH RESULTS: ARREST TIME 7:37PM
1. .124
2. .120
3. N/A
4. N/A
TESTING OFFICER'S ID 7909 PBSO VIDEOTAPE # N/A

NOT A CERTIFIED COPY

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: 80-006239 Software: 8100.27
Date of Test: 10/09/2020

Date of Last Agency Inspection: 09/18/2020

Observation Period Began: 20:21

Subject's Name: JANICE E CZARNIECKI

DOB: 11/01/1954 Sex: F

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	20:59
	Air Blank	0.000	20:59
	Control Test	0.079	20:59
	Air Blank	0.000	21:00
	Subject Sample #1	0.124	21:01
	Air Blank	0.000	21:01
	Air Blank	0.000	21:03
	Subject Sample #2	0.120	21:04
	Air Blank	0.000	21:04
	Control Test	0.079	21:05
	Air Blank	0.000	21:05
	Diagnostics Check	OK	21:05

Cylinder Lot: 14020080A1
Exp: 07/05/2022

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: 10/09/20
Signature

Sworn to (or affirmed) before me this 09 day of October, 2020

TER Andrew R Signature of Notary Public-State of Florida
JPA. A. IV 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 – 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"/>			
Other	<input type="checkbox"/>	F.C. Art. 1, Sect 16	Other: Marsy's Law	
	<input type="checkbox"/>	119.071(2)(M)	Other: Personal identifying information of a witness to a murder.	

REVIEW COMPLETED BY

Booking Number: 2020023927	Date: 10/10/2020
	Specialist Name/ID: VARGO/6665