

0521639

3240



Arrest Report

21 CT003062 AXSB

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

Report Date / Time 2/25/2021 10:53 PM	Report Number FHP99ARR837670	Case Number/Cad Number FHPL21OFF011986 / LWRC21CAD033627	Reporting Officer Name GONZALEZ, MARQUIS
Originating Agency ORI	Occur Date Time Range 02/25/2021 22:11:01 - 02/26/2021 00:16:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description SR 9 SB NOF GATEWAY BLVD
Street Number I-95	Street	Apt/Lot/Bldg WEST PALM BEACH
City	State FL	Zip Code 33406

Defendant

First Name JOHN	Middle Name PETER	Last Name D'ONOFRIO	Suffix	Race WHITE	Sex MALE	Height 508	Weight 185	Hair WHI	Eyes BRO
MNI #	SSN [REDACTED]	Date of Birth 08/12/1964	Age 56	ID Type E	Drivers License or other ID D516475642920	State FL	OCA / Agency ID		
Place of Birth: BOCA RATON FL US									
Address * RESIDENCE / 838 SW 18TH ST , BOCA RATON, FL 33486 /									

Arrest

Arrest Date/Time 2/25/2021 10:38:19 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description SR 9 SB NOF GATEWAY BLVD
Street Number	Street	Apt/Lot/Bldg PALM BEACH
County PALM BEACH	City BOYNTON BEACH	State FL
		Zip Code

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			
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

Arrest Report

Dunn 69/10

SCANNED
FEB 26 2021

FILED
2021 FEB 26 AM 8:22
JOSEPH A. RIZZO, CLERK
PALM BEACH COUNTY, FL
GUN CLUB

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On February 25, 2021, the Lake Worth Communications Center gave out a call (BOLO) of a vehicle traveling northbound on the State Road 9 (Interstate 95) southbound exit ramp to State Road 708 (Blue Heron Blvd). There were several calls from outside witness stating that this vehicle was going the wrong way on the exit ramp, then eventually began to drive the correct way. The witness also stated that the vehicle continued to swerve all over the road, almost colliding into the wall several times. The vehicle description was a green Jeep with a Florida Tag of HCWS88. While traveling southbound on State Road 9 south of State Road 812 (Lantana Rd) to intercept the vehicle, I observed a vehicle matching the description of the (BOLO'd) vehicle. I proceeded to get behind the vehicle in the outside center lane at State Road 9 southbound north of Gateway Blvd. Once I arrived behind the vehicle, I confirmed the Florida tag with the tag given to me by dispatch and established a driving pattern on the vehicle. I paced clocked the vehicle with my patrol car (FHP2047) traveling at a speed of 67 mph in a 65-mph zone for approximately .5 miles. The vehicle was swerving in between the outside center lane and center lane. I proceeded to activate my emergency lights and sirens in attempt to conduct a traffic stop on the vehicle. The vehicle pulled over onto the right outside shoulder of State Road 9 southbound just north of Gateway Blvd. I then proceeded to walk up to the vehicle. As I spoke to the driver, I immediately detected the odor of an unknown alcoholic beverage was emitting from his breath as he talked. I identified the driver as John Peter D' ONOFRIO through his Florida driver's license: D-516-475-64-292-0. I asked the driver if he had been drinking any alcohol beverages previous to driving. He stated he had a couple drinks. I also observed the driver's blood shot watery eyes. Based on my observation, I requested that he step out of the vehicle and walk towards the front of my patrol car. The driver refused to Voluntary perform the Field Sobriety Exercises.

Due to the totality of circumstances, Mr. D'ONOFRIO was placed under arrest for DUI at 10:38P.M, and was transported to the Palm Beach County Breath test center. Once I arrived, I conducted a 20-minute observation. At no time did he regurgitate or take anything by mouth. I then requested that he provide a sample of his breath which he refused. Florida Implied consent was read, and he refused. Mr. D'ONOFRIO was booked and processed at the Palm Beach County Jail. The above incident occurred in Palm Beach County.

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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			

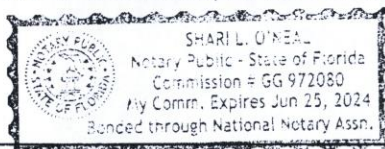
Court

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 03/25/2021 8:30AM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
GONZALEZ, MARQUIS TPR 4519	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPLLWRC PALM BEACH BROW LN TO SR804

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 GONZALEZ, MARQUIS	Office Rank TPR	Officer ID No. 4519	Sworn and subscribed before me, the undersigned authority This the <u>26</u> day of <u>February</u> , <u>2021</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature <i>[Signature]</i>			

No Bill / Petition
 Issue Warrant
 Prosecution Approved

Signature of Assistant State Attorney _____ Date _____

SUBJECT: DOBOSZ, JOHN P CASE NUMBER: LHP(2)OFF(1)916

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: _____

SUBJECT: DONOFIO, JOHN P

CASE NUMBER: 4PL21011011920

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 Temper Gonzalez of the Florida highway patrol.

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) John P. Donofio

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) John P. Donofio

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: D'ONOFRIO, JOHN P

DATE: Feb 25, 2021

BEGINNING TIME: 23:46

ENDING TIME: 23:50

CASE NUMBER: 21-039426

VIDEO DVD NUMBER: N/A

BREATH TESTS RESULTS: 1) R TIME 23:48 A.M. P.M. 2) N/A TIME N/A A.M. P.M.
3) N/A TIME N/A A.M. P.M. 4) N/A TIME N/A A.M. P.M.

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, TALKATIVE

CLOTHING: WHITE SHORTS, BLUE / BLACK JACKET, WHITE SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

REFUSED

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 23:21 HRS.

SUBJECT: REFUSED TO TAKE TEST

A/O: READ I/C

SUBJECT: STATED HE UNDERSTOOD I/C AND REFUSED TO TAKE TEST

A/O: READ RIGHTS

SUBJECT: STATED HE UNDERSTOOD RIGHTS

NO Q&A CONDUCTED

REFUSED



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

PBSO CASE # 21-039426 AGENCY CASE# FHPL21OFF011986
 AGENCY ZONE 6-12 CRASH CASE # _____
 TIME OF STOP/CRASH 10:20PM DATE 2/25/21 DAY THURSDAY
 SUBJECT'S NAME JOHN,PETER,D'ONOFRIO RACE WHITE SEX MALE
 HGT 508 WGT 185LBS DOB 8/12/1964

LOCATION SR 9 SB NOF GATEWAY BLVD

ARRESTING OFFICER'S NAME & ID TPR.MARQUIS GONZALZ AGENCY FHP

DIVISION: TROOP L

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 23:21

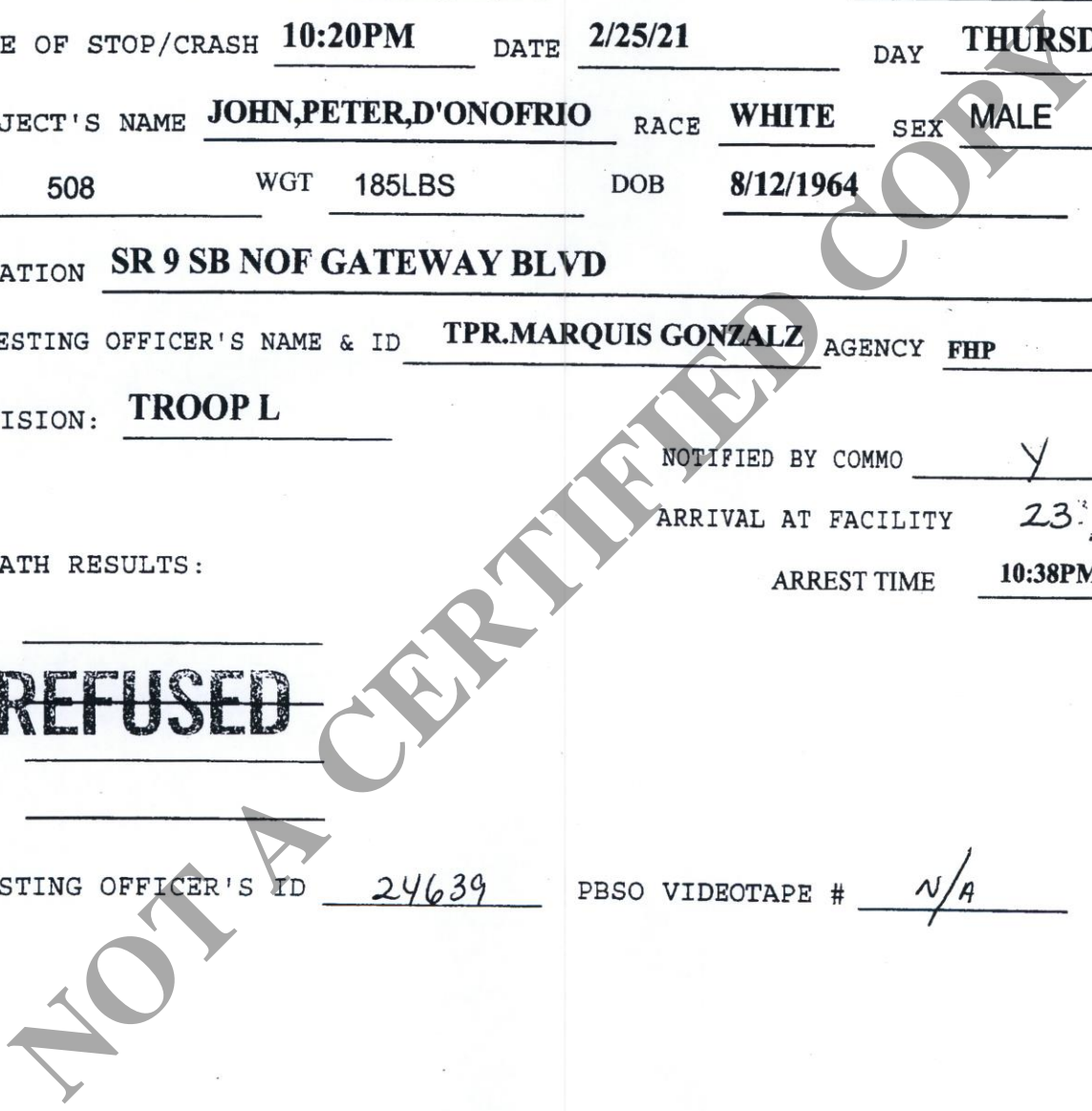
BREATH RESULTS:

ARREST TIME 10:38PM

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

TESTING OFFICER'S ID 24639

PBSO VIDEOTAPE # N/A



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

I, GONZALEZ, MARQUIS, 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

or affirm that on or about the 25 day of February, 2021, at 10:38 P.M. A.M.

DRIVER JOHN PETER D'ONOFRIO
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME
DL# D516475642920, state of FL, was placed under lawful arrest for

the offense of 316.193(1)a
D.U.I. - ALCOHOL OR DRUGS (MISDEMEANOR) by GONZALEZ, MARQUIS and
(Name of Arresting Officer)
issued Citation # A7706EE

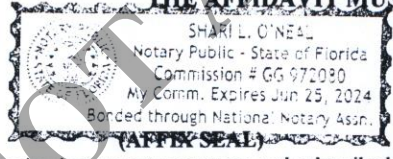
That on or about the 25 day of February, 20 21, at 11:48 P.M. A.M.
in palm beach County,

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.

[Handwritten Signature]

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 26 day of February, 20 21, by _____,

who is personally known to me or who has produced _____ as identification.

Notary Public *[Signature]*

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 – 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"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2021004823	Date: 2/26/2021
	Specialist Name/ID: J. Beck/9007