

Rapid 10-7

# Arrest Report

FLORIDA HIGHWAY PATROL  
P.O. BOX 16007, LAKE WORTH, FL 33416

20 CT-1080

3406

~~0202596~~ 0409972

Report Date / Time 1/20/2020 08:16 PM	Report Number FHP99ARR789333	Case Number/Cad Number FHPK20OFF003432 / LWRC20CAD011773	Reporting Officer Name L. TAVARES
Originating Agency ORI	Occur Date Time Range 01/20/2020 19:54:31 -	Jurisdiction	Clearance

### Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description SPEEDWAY GAS STATION			
Street Number 6840	Street OKEECHOBEE BLVD	Apt/Lot/Bldg WEST PALM BEACH	City	State	Zip Code

### Defendant

First Name JOSE	Middle Name LUIS	Last Name ESQUERETE	Suffix	Race HISPANIC W	Sex MALE	Height 510	Weight 260	Hair BRO	Eyes BRO
MNI #	SSN	Date of Birth 05/11/1977	Age 42	Place of Birth JERSEY CITY NJ USA	Drivers License or other ID E263432771710	State FL	ID Type E		
Address * RESIDENCE / 437 CRESTA CIR , WEST PALM BEACH, FL 33413 /									

### Arrest

Arrest Date/Time 1/20/2020 7:58:23 PM	Arrest Location Type OTHER	Arrest Location Description				
Street Number 6840	Street OKEECHOBEE BLVD	Apt/Lot/Bldg 1-OR	County PALM BEACH	City WEST PALM BEACH	State	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			

### Charge : S

Counts 1	Charge 316.1939	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree F	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description REFUSE TO SUBMIT DUI TEST AFTER LIC SUSP			

Arrest Report  
AS Downie # 8033

**FILED**  
JAN 21 2020  
CRIMINAL DIV.  
CIRCUIT COURT  
PALM BEACH COUNTY COURTS

**SCANNED**  
JAN 21 2020

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**Bond Set by Court**

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

**Probable Cause**

On Monday January 20th, 2020 at approximately 7:51 PM I Trooper Lucas Tavares (3913) was on active patrol, along with my issued Dual Purpose Canine (Canine Odin). I was in a jurisdictionally marked FHP police SUV, equipped with overhead emergency lights and external sirens. I was traveling westbound on Okeechobee Blvd where I observed a dark gray Chevrolet Silverado stopped in the inside left turn lane at the intersection of Okeechobee Blvd and Jog Rd. The light for that lane was red and I pulled directly behind the vehicle. There was another vehicle in front of the pickup truck. The left turn light then turned green, where the pickup aggressively accelerated causing his tires to squeal. He aggressively made a u-turn following the vehicle in front of him within feet. He then aggressively attempted to swerve around the vehicle, where I then immediately activated my overhead emergency lights and sirens. The vehicle then pulled right into the drive way of the Speedway Driveway. I then made contact with the driver of the vehicle, who was the sole occupant of the vehicle, via the driver side window. Immediately as soon as I made contact with the driver I detected a very strong odor of an unknown alcoholic beverage coming from within the vehicle. I asked the driver why was he driving in that manner and he attempted to state that a vehicle cut him off from the side and he was mad. He stated that he was yelling at the other vehicle.

I then identified the driver via his Florida Driver's License (E263-432-77-171-0) as Jose Luis Esquerete, DOB: (05/11/1977).

While talking to Mr. Esquerete I observed his speech to be slurred and his eyes to be bloodshot and watery. I then asked Mr. Esquerete where was he coming from and he stated Duffy's (which was across the street from us). I then asked him if he had anything to drink and he paused and stated no. I then advised him that I could smell an odor of an alcoholic beverage and he again stated no. I then had him step out of his vehicle and to the rear while I continued the traffic stop to further observe him. I then requested his insurance in which he stated he has it on his phone. I then followed him to the truck where he retrieved his phone and attempted to get his insurance. While outside his vehicle I could detect a very strong odor of an unknown alcoholic beverage on his breath that grew stronger as he spoke.

I then requested Mr. Esquerete to perform standardized field sobriety exercises in which he refused. I then explained to Mr. Esquerete that his refusal to perform SFSE will later be used against him in court and I will have to base the entire DUI investigation based upon solely my observations. He then stated that he will not perform them.

Mr. Esquerete was then transported to the Palm Beach County Jail. He arrived at approximately 08:35 pm. After the 20min observation, Mr. Esquerete was then given the opportunity to provide a sample of

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his breath which he refused. I then read Mr. Esquerete the Florida Implied Consent in which he stated he understood and refuses to provide. (Time of Refusal 09:01 PM.

Mr. Esquerete was charged with DUI 316.193 and a second refusal 316.1939.

The following incident did occur in Palm Beach County, Florida.

#### Jail Bookin Facility

Booking Date/Time 0.0000	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
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Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Number

Booking Comments

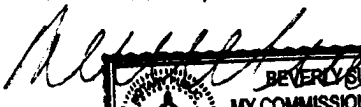
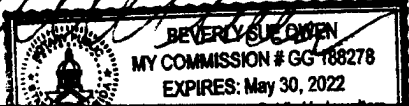
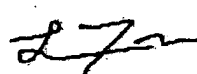
#### Court

Court County PALM BEACH	Court Location 205 NORTH DIXIE HIGHWAY WEST PALM BEACH, FL 33401		
Court MAIN COURTHOUSE	Court Phone 561-355-2996	Court Appearance Date / Time	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
GIBSON, BRANDON TROOPER 4355	ASSISTING	FLORIDA HIGHWAY PATROL FHPKILWRCCIWBPISR91 103-118
L. TAVARES TROOPER 3913	PRIMARY / REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHRKILWRCCIWEST PALMTRP KIK-9

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 L. TAVARES	Office Rank TROOPER	Officer ID No 3913	Sworn and subscribed before me, the undersigned authority This the <u>20</u> day of <u>January</u> , <u>2020</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL	 		
Officer Signature 			

# TESTING FACILITY TASK REPORT

AGENCY: FHP-K

SUBJECT: ESQUERTE, Jose Luis CASE NUMBER: 20-028567

DATE: 01/20/20 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: ~~2102~~ ENDING TIME: 2102

BREATH TESTS RESULTS: 1) REFUSED TIME 2101 A.M./P.M. 2) TIME TIME A.M./P.M.

3) TIME TIME A.M./P.M. 4) TIME TIME A.M./P.M.

BREATH OPERATOR: S. Owen #3184

MAINTENANCE TECHNICIAN: J. Karlecki #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: \_\_\_\_\_

ATTITUDE: angry, upset, talkative

CLOTHING: black shoes, grey pants, black polo shirt

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER: talked about guy who has shot at him before he saw again in Duffys parking lot - got upset

COMMENTS: A/O arrived at 2035 hrs

A/O observed 20 minutes

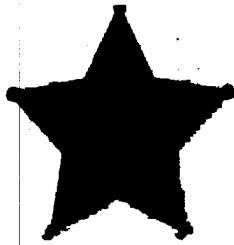
A/O requested breath test, A refused

A/O read T/C, A understood, still refused

A/O read C/P, A understood rights

Refused C & A

NOTIFIED COPY



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

PBSO CASE # 20-028567 PBSO ZONE 3-23

AGENCY CASE # FHPK200FF08432 CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 19:54 DATE 1/20/20 DAY Monday

SUBJECT'S NAME Jose Luis Esquerete RACE W SEX M

HGT 5-10 WGT 270 DOB 5/11/77

LOCATION Okeechobee Blvd / Jog Rd

ARRESTING OFFICER'S NAME & ID Tpr. Lucas Tavares <sup>3913</sup> AGENCY FHP-K

DIVISION: \_\_\_\_\_

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 20:35

Arrest Time 19:58

**BREATH RESULTS**

**REFUSED**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

TESTING OFFICER'S ID 3184

NOT A CERTIFICATE

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

I, L. TAVARES, 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 20<sup>th</sup> day of January, 2020, at 09:01  P.M.  A.M.

DRIVER JOSE LUIS ESQUERETE  
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# E263432771710, state of FL, was placed under lawful arrest for

316.193(1)  
the offense of D.U.L. - DRIVING UNDER THE INFLUENCE (MISD... by L. TAVARES and  
(Name of Arresting Officer)

issued Citation # A767HZE

That on or about the 20<sup>th</sup> day of January, 20 20, at 09:01  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.

[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:

(AFFIX SEAL)  
The foregoing instrument was sworn and subscribed before  
me this 20<sup>th</sup> day of January, 20 20,  
by L. TAVARES,  
who is personally known to me or who has produced  
as identification.

Signature of Attesting Officer

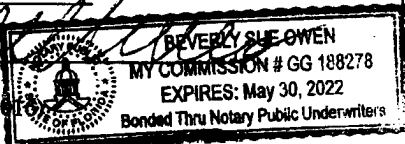
Title

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.

Notary Public

HSMV-BAR1001 (REV. 10/2018)



**SCANNED**  
**JAN 21 2020**

SUBJECT: Esquerete, Jose Luis CASE NUMBER: FHPK200FF003432

## 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 Tyr Tavares of the FHPK

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) Read 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) Read on Camera



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

REVIEW COMPLETED BY

Booking Number: 2020002291	Date: 01/21/2020
	Specialist Name/ID: AM/31562

**SCANNED**  
JAN 21 2020