

Arrest Report

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

Report Date / Time 1/24/2021 11:36 PM	Report Number FHP99ARR822455	Case Number/Cad Number FHPL21OFF004757 / LWRC21CAD013454	Reporting Officer Name MASTERSON, MONIQUE
Originating Agency ORI	Occur Date Time Range 01/24/2021 22:03:33 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95 (SR9)			
Street Number	Street N PALM BEACH LAKES	Apt/Lot/Bldg	City LAKE WORTH	State FL	Zip Code 33461

Defendant

First Name JOVANI	Middle Name	Last Name AGOSTO	Suffix	Race WHITE	Sex MALE	Height 600	Weight 180	Hair BRO	Eyes BLU
MNI #	SSN	Date of Birth 09/22/1983	Age 37	ID Type E	Drivers License or other ID A223420833420	State FL	OCA / Agency ID		
Place of Birth:	CHICAGO IL USA								
Address	* RESIDENCE / 2443 WATERSIDE CIRCLE , LAKE WORTH, FL 33461 /								

Arrest

Arrest Date/Time 1/24/2021 10:34:53 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description INTERSTATE 95 (SR9)				
Street Number	Street N PALM BEACH LAKES	Apt/Lot/Bldg	County PALM BEACH	City LAKE WORTH	State FL	Zip Code 33461

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 1/24/2021 I Trooper Masterson Monique 4467 was dispatched to a routine backup call requested by West Palm Beach Police northbound on Interstate 95 (State Road 9) north of Palm Beach Lakes Boulevard entrance ramp

Arrest Report

CP1 H. ONTUA 7200

0302051

FILED
2021 JAN 25 AM 11:27
JOSEPH A. TIZZO
PALM BEACH COUNTY
CLERK
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3575

Report Date / Time 1/24/2021 11:36 PM	Report Number FHP99ARR822455	Case Number/Cad Number FHPL21OFF004757 / LWRC21CAD013454	Reporting Officer Name MASTERSON, MONIQUE
Originating Agency ORI	Occur Date Time Range 01/24/2021 22:03:33 -	Jurisdiction	Clearance

I was in route to the call at 10:05PM. I arrived on scene at 10:12PM.

WPBPD and PBSO were on scene. WPBPD officer Hernandez informed me he conducted a traffic stop on a white Audi for traveling at a high rate of speed. Officer Hernandez conducted a lawful traffic stop and observed who was driving the vehicle. Officer Hernandez advised me that he observed signs of impairment from the driver. Beyond the WPBPD marked patrol vehicle I observed a white Audi bearing the Florida tag of "HDZQ55". I approached the vehicle on the driver side. I observed a white/Hispanic male wearing a blue shirt and jean pants. The driver's head was hanging low in a lethargic manner. I asked the driver who he was. The driver stated Jovani Agosto. I identified him by his driver license (A223420833420). I asked Mr. Agosto where he was coming from. Mr. Agosto stated he was coming for a friend's house and going to palm beach gardens. As Mr. Agosto spoke I could smell a distinct odor of an alcoholic beverage omitting from Mr. Agosto breath. I asked Mr. Agosto if he had any alcoholic drinks recently. Mr. Agosto state he had 2 beers. I requested Mr. Agosto to exit the vehicle and stand at the front of my patrol vehicle.

Mr. Agosto had difficulties exiting his vehicle. Mr. Agosto stumbled out and needed to use his vehicle to stand while exiting his vehicle. Mr. Agosto continued to use his vehicle for balance while walking toward my patrol vehicle. Mr. Agosto would stray east while walking. Mr. Agosto could not walk straight toward my vehicle. Once Mr. Agosto was standing at the front of my vehicle I explained to him that I suspected Mr. Agosto to be under the influence while driving and I was conducting a DUI investigation. Mr. Agosto stated he understood. While standing Mr. Agosto had an obvious sway. I asked Mr. Agosto if he wanted to participate in voluntary field sobriety exercises (SFST). Mr. Agosto agreed to do SFST. I asked Mr. Agosto if he had any head, eye, ear, neck, back, hip, leg, feet injuries or problems that would affect his abilities to perform the exercises. Mr. Agosto stated he had no injuries besides back pain. I asked Mr. Agosto if he had been in a crash recently. Mr. Agosto stated no. I asked Mr. Agosto if he suffered from strokes, seizures, or diabetes. Mr. Agosto stated no. I asked Mr. Mr. Agosto if he took any medications. Mr. Agosto stated no.

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The first exercise was the Horizontal Gaze Nystagmus. Mr. Agosto was placed in the starting position of standing up straight with feet together and arms by his side. I instructed Mr. Agosto to keep his head and body still during the entirety of the first exercise. I explained to Mr. Agosto that I would move my pen from side to side and for him to move his eyes only. I asked Mr. Agosto if he understood the instructions. Mr. Agosto stated that he understood. Mr. Agosto had a lack of smooth pursuit in both eyes, distinct and sustained Nystagmus at maximum deviation in both eyes, and onset of Nystagmus prior to 45 degrees in both eyes. Vertical Gaze Nystagmus was not tested. Mr. Agosto moved his head multiple times during the exercise.

The second exercise was the Walk and Turn. I instructed and demonstrated Mr. Agosto to place his left foot on the parking line followed by his right foot in front of his left foot touching heel to toe. I explained and demonstrated to Mr. Agosto that his arms are to stay by his side and not to raise at any point during this exercise. I instructed and demonstrated Mr. Agosto to stay in that position (the starting position) while I give the rest of the instruction to the test. I specifically instructed Mr. Agosto to not begin the exercise until told to do so. I explained and demonstrated to Mr. Agosto, when I tell him to begin that his first step will be with his left foot. I instructed and demonstrated to Mr. Agosto that he will take nine heels to toe steps and to count out loud what number step he was on while looking at his step. I instructed and demonstrated the turn portion of the exercise that comes after the ninth step. I explained to Mr. Agosto the turn will consist of him keeping his lead foot on the ground and pivoting off it with a series of small steps using his other foot. I asked Mr. Agosto if he understood the instructions throughout giving the instructions. Mr. Agosto stated he did understand the instructions. Mr. Agosto failed to stay in the ready position during the period of instruction. Mr. Agosto moved his arm while I explained the instructions. Mr. Agosto took an incorrect number of steps. Mr. Agosto did not walk heel to toe. Mr. Agosto stepped off the line multiple times. Mr. Agosto stopped during the exercise. Mr. Agosto used his arms for balance. Mr. Agosto did not count his steps out loud.

The third exercise was the One Leg Stand. I instructed and demonstrated Mr.

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Agosto to stand with feet together and arms by his side; the same as the first exercise. I specifically informed Mr. Agosto to not begin the exercise until told to do so. I explained and demonstrated to Mr. Agosto that he will pick up any leg of choice and raise it above the ground approximately six inches and to look at his foot until told to place his foot back on the ground. I instructed Mr. Agosto to count out loud the seconds that pass by while his foot is raised above the ground. I informed Mr. Agosto to not place his foot on the ground unless he felt they were going to fall. I asked Mr. Agosto if he understood the instructions throughout giving the instructions. Mr. Agosto stated he understood. Mr. Agosto hopped. Mr. Agosto swayed and leaned backward. Mr. Agosto put his foot down multiple times. Mr. Agosto used his arms for balance.

I placed Mr. Agosto under for DUI 316.193 at 10:34PM. Mr. Agosto stated he understood he was under arrest. Mr. Agosto was transported to the BAT facility. Mr. Agosto underwent a 20 minute. I requested a breath sample from Mr. Agosto. Mr. Agosto agreed to give a breath sample. Mr. Agosto gave two valid breath samples of .205 and .207.

Mr. Agosto was charged with 316.193.1a and a speeding ticket from WPBPD fs. 316.187. Mr. Agosto was walked over to the jail with no further incident.

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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OBTS Number		PROBABLE CAUSE AFFIDAVIT				1	A
		1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias					Juvenile
Agency ORI Number FLO 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE			Agency Report Number 06 -		
Charge Type: <input type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance Check as many <input type="checkbox"/> 2. Traffic Felony <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other					Special Notes:		
as apply.							
Defendant's Name (Last, First, Middle) Agosto, Jovani				Race W	Sex M	Date of Birth 09/22/1983	
Charge Description Driving Under the Influence				Charge Description			
Charge Description				Charge Description			
Victim's Name (Last, First, Middle) State of Florida				Race	Sex	Date of Birth	
Victim's Local Address (Street, Apt. Number) (City) (State) (Zip)				Phone	Address Source		
Victim's Business Address (Name, Street) (City) (State) (Zip)				Phone	Occupation		
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody...							
<input checked="" type="checkbox"/> committed the below acts in my presence.		<input type="checkbox"/> was observed by _____ who told _____					
<input type="checkbox"/> confessed to _____		that he/she saw the arrested person commit the below acts.					
admitting to the below facts.		<input type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.					
On the 24 day of 01, 2021 at 9:59 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).							

NARRATIVE:

On January 24, 2021 at approximately 2159 hours while traveling northbound on Interstate 95 approaching Okeechobee Blvd. West Palm Beach, Florida I observed a white 2012 Audi bearing Florida tag HDZQ55 traveling above the posted speed limit of 65 MPH. Upon getting behind the vehicle I paced it for approximately one mile at 100 MPH.

I initiated traffic stop south of the Palm Beach Lakes Blvd. exit, however the vehicle proceeded north past the exit eventually stopping just north of the exit. I made contact with the driver/defendant, Jovani Agosto. Upon making contact with the defendant I was immediately able to smell the strong odor of an alcoholic beverage emitting from his breath. The defendant's eyes were watery and glassy. As I spoke with him his speech was slurred and he stated he consumed two beers. Based on the observations I observed the defendant, Jovani Agosto, did violate F.S.S. 316.193.1; Driving Under the Influence. This offense did occur in Palm Beach County, Florida

Sworn and Subscribed before me	
Signature Notary Public / Clerk of Court / Officer (F.S.S 117.10) D/S Jonathan Hernandez #26676	Signature of Arresting / Investigating Officer
Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10) D/S Jonathan Hernandez #26676	Name of Officer (Please Print)



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

PBSO CASE # 21-028770 AGENCY CASE# FHPL21OFF004756
AGENCY ZONE TROOP L ZONE 2 3-21 CRASH CASE # _____
TIME OF STOP/CRASH 10:22PM DATE 1/24/2021 DAY SUNDAY
SUBJECT'S NAME JOVANI Agosto RACE HISPANIC SEX MALE
HGT 600 WGT 180LB DOB 9/22/1983
LOCATION NORTHBOUND INTERSTATE 95 (SR9) ENTRANCE RAMP PALM BEACH LAKES BLVD
ARRESTING OFFICER'S NAME & ID TPR MASTERSON, MONIQUE 4467 AGENCY FHP
DIVISION: _____ NOTIFIED BY COMMO YES
ARRIVAL AT FACILITY 2332
BREATH RESULTS: ARREST TIME 10:34PM
1. .207
2. VNM
3. .205
4. _____
TESTING OFFICER'S ID 19193 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: 80-006478 Software: 8100.27
Date of Test: 01/25/2021

Date of Last Agency Inspection: 01/15/2021

Observation Period Began: 23:32

Subject's Name: JOVANI AGOSTO

DOB: 09/22/1983 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	23:57
	Air Blank	0.000	23:57
	Control Test	0.079	23:57
	Air Blank	0.000	23:58
	Subject Sample #1	0.207	00:00
	Air Blank	0.000	00:01
	Air Blank	0.000	00:03
	Subject Sample #2	VNM*	00:06
	Air Blank	0.000	00:07
	Air Blank	0.000	00:08
	Subject Sample #3	0.205	00:09
	Air Blank	0.000	00:10
	Control Test	0.075	00:10
	Air Blank	0.000	00:10
	Diagnostics Check	OK	00:10

*Volume Not Met (0.155 - Breath Sample Not Reliable to Determine Breath Alcohol Level)

Cylinder Lot: 22620080A2
Exp: 10/05/2022

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 THOMAS H LEAHEY, 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: T. Leahy Date: 01/25/21
Signature

Sworn to (or affirmed) before me this 25th day of January, 2021

[Signature] Trp. M
Signature of Notary Public-State of Florida 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.

TESTING FACILITY TASK REPORT

AGENCY: FHP-L
SUBJECT: Agosto, Jovani
CASE NUMBER: 21-028770
DATE: Jan 24, 2021
VIDEO DVD NUMBER: N/A
BEGINNING TIME: 2354
ENDING TIME: 0012

BREATH TESTS RESULTS: 1) .207 TIME 0000 A.M. P.M. 2) VNM TIME 0006 A.M. P.M.
3) .205 TIME 0009 A.M. P.M. 4) n/a TIME 0 A.M. P.M.

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: slurred

ATTITUDE: talkative

CLOTHING: blue jeans, blue t-shirt, white/red sneakers

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER:

eyes are glassy and bloodshot
odor of unknown alcoholic beverage on breath

COMMENTS:

arrived at center A/O conducted 20 minute observation period 2332 hrs
subject refused to perform breath test - what would happen if I don't
A/O read I/C & subject understood I/C
subject agreed to perform breath test - subject was not following instructions
A/O instructed subject failure to provide valid breath sample would be a refusal
A/O read rights & subject understood results
tech read breath test results & subject understood breath test results
A/O attempted Q&A
subject declined to answer questions

SUBJECT: Agosto, Terani CASE NUMBER: F11FL210FF=0L4706

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 Top in Wasterson # 4467 of the FHP 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) 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

SUBJECT: Agosto, Jovani

CASE NUMBER: PBSO 2100 4756

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: _____



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: 2021002004	Date: 01/25/2021
	Specialist Name/ID: T Howard/7185