

SKT 0530251

Arrest Report

22CT4496 SB

1550

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

Report Date / Time 3/20/2022 07:21 PM	Report Number FHP99ARR841722	Case Number/Cad Number FHP22ON0139994 / RCC22IN0206100	Reporting Officer Name GONZALEZ, MARQUIS
Originating Agency ORI FL0509000	Occur Date Time Range 03/20/2022 18:49:44 - 03/20/2022 22:00:00	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description SR 9 NB EXIT RAMP TO PALM BEACH LAKES BLVD			
Street Number I-95NB	Street	Apt/Lot/Bldg	City WEST PALM BEACH	State FL	Zip Code 33409

Defendant

First Name JUAN	Middle Name LUIS	Last Name ABARCA	Suffix	Race WHITE	Sex MALE	Height 507	Weight 200	Hair BLK	Eyes BRI
MNI #	SSN [REDACTED]	Date of Birth 05/04/1979	Age 42	ID Type E	Drivers License or other ID A162432791641	State FL	OCA / Agency ID		
Place of Birth:		SANTIAGO FF CHILE							
Address * RESIDENCE / 2819 SE PERU ST , PORT ST. LUCIE, FL 34984 /									

Arrest

Arrest Date/Time 3/20/2022 7:15:27 PM	Arrest Location Type RESIDENCE	Arrest Location Description SR 9 NB EXIT RAMP TO PBL				
Street Number	Street	Apt/Lot/Bldg	County PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33409

Charge : S

Counts 1	Charge 316.193.1a	Bond Amount \$0.00	☐ No Bond
Charge Degree S		Charge Level MISDEMEANOR	
General Offense Code		Arrest Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI INFLUENCE OF ALCOHOL OR DRUGS			

Bond Set by Court

Bond Amount	☐ No Bond
Bond Type(s)	

Probable Cause

Arrest Report

D/S Tommie #8033

2022 MAR 21 AM 7:20
FILED

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On March 20, 2022, the Lake Worth Communications Center (LWRCC) gave out a call (BOLO) of a vehicle traveling northbound on Interstate 95 (State Road 9) south of 10th Ave. There were several calls from an outside witness stating that this vehicle was unable to maintain its lane of travel, almost causing several accidents. The vehicle description was a black Chevy Silverado pickup truck. While traveling northbound on State Road 9 south of State Road 704 (Okeechobee Blvd) 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 lane at State Road 9 northbound just north of Okeechobee Blvd. Once I arrived behind the vehicle, I advised dispatch the Florida tag of QYUN41 attached to the vehicle and established a driving pattern on the vehicle. I paced clocked the vehicle with my patrol car (FHP2047) traveling at a speed of approximately 55 mph in a 65 mph zone for approximately .5 mile. The vehicle traveled off the roadway towards the right outside shoulder, almost resulting in a collision with the right outside guardrail. The black pick-up truck then traveled back onto State Road 9 and continued to swerve between the outside and outside center lane, almost resulting in collisions with vehicles traveling in the outside and outside center lanes. 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 northbound exit ramp to Palm Beach Lakes 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 Juan Luis Abarca by his Florida driver's license: A162432791641. I asked the driver if he had been drinking any alcohol beverages previous to driving. He stated he had a couple beers. I also observed the driver's blood shot glassy eyes and very slurred speech. Based on my observations, I requested that Mr. Abarca step out of the vehicle and walk towards the front of my patrol car. The driver agreed to Voluntary perform the Field Sobriety Exercises.

FSEs were conducted on the right shoulder of State Road 9 northbound exit ramp to Palm Beach Lakes Blvd. The ground was free of debris and a red-light pen was used as a stimulus for the Horizontal Gaze Nystagmus. A yellow taped line was used for the Walk and Turn.

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Before beginning the exercises, I checked to see if Mr. Abarca was wearing glasses. It was determined that Mr. Abarca was not wearing glasses. I asked Mr. Abarca if he had any injuries or medical conditions that would prevent him from performing the exercises. Mr. Abarca advised he did not have any injuries. Mr. Abarca was instructed to place his feet together and place his hands down at his side. He then was instructed to keep his head still and follow the stimulus with his eyes and his eyes only. He was also instructed to keep looking at the stimulus until told not to. Mr. Abarca verbally indicated he understood all the instructions above.

Horizontal Gaze Nystagmus: Performed on State Road 9

- Equal tracking and equal pupil size.
- During the exercise I observed the defendant with lack of smooth pursuit in both eyes.
- Distinct and sustained nystagmus at maximum deviation in Both eyes
- Onset Nystagmus prior to 45 degrees in both eyes

Walk and Turn: Demonstrated and explained.

The defendant advised he understood the instructions explained.

During the walk and turn I observed

- Unable to maintain balance in the beginning of the exercise
- Driver performed 9 steps (15-16 steps to be exact) forward missing several heel to toe and an improper turn.
- Driver used arms for balance, driver held his arms behind his back during the entire exercise.
- Driver lost balance during turn

One Leg Stand : Demonstrated and explained.

The defendant advised he understood the instructions explained.

During the one leg Stand I observed

- The driver lifted his right foot off the ground
- Driver did not count out loud
- Driver looked up throughout the whole exercise

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- Driver put foot down before being told to stop
- Driver used arms for balance

Due to the totality of circumstances, Mr. Abarca was placed under arrest for DUI at 7:15 P.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 then read. Mr. Abarca understood and refused to provide a breath sample at 8:04P.M. Mr. Abarca was then booked and processed at the Palm Beach County Jail without incident. The above incident occurred in Palm Beach County.

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

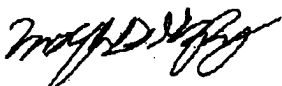
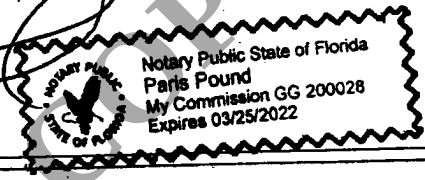
Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 04/21/2022 8:30AM	Court Fine
Comments			

Officer Name Rank / ID # GONZALEZ, MARQUIS TPR	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPLILWRCC\PALM BEACH\BROW LN TO SR804
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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 4520	Sworn and subscribed before me, the undersigned authority This the <u>20th</u> day of <u>MARCH</u> , <u>2022</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL	 		
Officer Signature			

☐ No Bill / Petition
 ☐ Issue Warrant
 ☐ Prosecution Approved

Signature of Assistant State Attorney

Date

NOT A CERTIFIED

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 or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of FLORIDA HIGHWAY PATROL, and I do swear

(Name of Law Enforcement Agency)
or affirm that on or about the 20 day of March, 2022, at 7:15 ☒ P.M. ☐ A.M.

DRIVER JUAN LUIS ABARCA
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# A162432791641, state of FL, was placed under lawful arrest for

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

issued Citation # A77548E

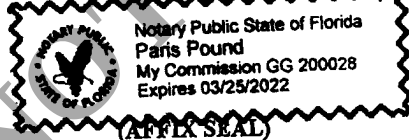
That on or about the 20 day of March, 20 22, at 8:04 ☒ P.M. ☐ A.M.
in palm beach County,

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, or if he or she had been previously fined under s. 327.35215, F.S., 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, or if he or she has been previously fined under s. 327.35215, F.S., 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 Commercial Driver's License (CDL), or was operating a commercial motor vehicle, refusal will result in the disqualification of the CDL 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 (s. 117.10, F.S.)



The foregoing instrument was sworn and subscribed before me this 25th day of MARCH, 20 22,
by _____,

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

Notary Public

HSMV-BAR1001 (REV. 09/2021)

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.

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: ABARCA, JUAN L

CASE NUMBER: 22-048132

DATE: Mar 20, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 20:01

ENDING TIME: 20:06

BREATH TESTS RESULTS: 1) R TIME 20:04 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 TECHNICIAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

REFUSED

SPEECH: SLURRED

ATTITUDE: CALM, UPSET

CLOTHING: BLACK SHORTS , GRAY / BLACK / WHITE T-SHIRT , GRAY / WHITE SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 19:39 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

A/O: ATTEMPTED Q&A

SUBJECT: REFUSED QUESTIONS

REFUSED



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

PBSO CASE # 22-048132

AGENCY CASE# FHP22ON0139994

AGENCY ZONE _____

CRASH CASE # _____

TIME OF STOP/CRASH 7:00PM DATE 3/20/22 DAY SUNDAY

SUBJECT'S NAME JUAN, LUIS, ABARCA RACE HISPANIC SEX MALE

HGT 507 WGT 200LBS DOB 05/04/1979

LOCATION SR 9 NB EXIT RAMP TO PAM BEACH LAKES BLVD

ARRESTING OFFICER'S NAME & ID TPR. MARQUIS GONZALEZ 4519 AGENCY FHP

DIVISION: TROOP L

NOTIFIED BY COMMO WACK IW

ARRIVAL AT FACILITY 19:39

BREATH RESULTS:

ARREST TIME 7:15PM

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

TESTING OFFICER'S ID 24639 PBSO VIDEOTAPE # W/A

SUBJECT: ABARCA, JUAN L

CASE NUMBER: 4412-OWO17997

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: ABARCA, JUAN L CASE NUMBER: 1A22200139994

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 78P 6/27/12 of the FHP

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	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	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)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2022007252	Date: 3/21/2022
	Specialist Name/ID: S.Evans/23872