

50-2020 CT-010613-ASB

J# 0518284

3378

Arrest Report

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

Report Date / Time 8/30/2020 01:09 AM	Report Number FHP99ARR824212	Case Number/Cad Number FHPL20OFF047921 / LWRC20CAD128348	Reporting Officer Name GONZALEZ, MARQUIS
Originating Agency ORI	Occur Date Time Range 08/30/2020 00:14:34 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description SR 9 NB AT CONGRESS AVE
Street Number 1-95	Street	Apt/Lot/Bldg BOCA RATON
City	State FL	Zip Code 33486

Defendant

First Name LIVIA	Middle Name	Last Name ROBB	Suffix	Race WHITE	Sex FEMALE	Height 506	Weight 130	Hair BRO	Eyes BLUE
MNI #	SSN [REDACTED]	Date of Birth 01/31/1975	Age 45	ID Type E	Drivers License or other ID R100520755310	State FL	OCA / Agency ID		
Place of Birth: BOYNTON BEACH FL US		Address <i>Boynton Beach Blvd</i> * RESIDENCE / 5047 BRIAN BLVD, , FL 33472 /							

Arrest

Arrest Date/Time 8/30/2020 1:07:22 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description SR 9 NB AT CONGRESS AVE
Street Number	Street	Apt/Lot/Bldg PALM BEACH
County DELRAY BEACH	City 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-JNLAW 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)

Charge : S

Counts 1	Charge 316.192.1a	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S	Charge Level MISDEMEANOR	General Offense Code MOVING TRAFFIC VIOL	
Charge Description			

AUG 30 AM 4:49

Arrest Report

DS COLLINS 7622

GONZALEZ, MARQUIS
TPR 4519

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RECKLESS DRIVING 1ST OFF

Bond Set by Court

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

Probable Cause

On August 30, 2020, the Lake Worth Regional Communications Center (LWRCC) gave out a be on the lookout (BOLO) call of a vehicle traveling northbound on State Road 9 (Interstate 95) north of State Road 798 (Palmetto Park Road). The vehicle description was a white Kia Sorento SUV with Florida tag JWRH23. According to the caller, the vehicle was swerving all over the road and unable to maintain its lane of travel. While traveling northbound on State Road 9 south of Yamato Road, I observed a vehicle matching the description of the (BOLO) vehicle. I proceeded to get behind the vehicle in the inside lane (HOV lane) at State Road 9 northbound just north of Yamato Road. Once I was behind the vehicle, I confirmed the Florida tag was the same tag given by the LWRCC and began to observe the vehicle's driving pattern. The vehicle traveled off the roadway and almost collided with the left inside shoulder. I paced clocked the vehicle with my patrol car (FHP0396) traveling at a speed of 40 mph in a 65 mph zone for approximately 1 mile. The vehicle was swerving between the inside, inside center, and center lane. I proceeded to activate my patrol vehicle's emergency lights and sirens to conduct a traffic stop on the vehicle. The vehicle pulled over onto the right outside shoulder of State Road 9 northbound at State Road 807 (Congress Avenue). 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 emitting from her breath as she talked. I identified the driver as Livia Robb by her Florida Driver license (R100520755310). I asked the driver if she had been drinking any alcoholic beverages prior to driving. She stated she had two glasses of wine. I also observed the driver's blood shot watery eyes and her slurred speech. Based on my observations, I requested her to exit the vehicle and walk towards the front of my patrol car. The driver agreed to voluntary perform Standardized Field Sobriety Exercises (SFSEs).

I transported Ms. Robb in my patrol vehicle to the Mobil Gas Station located at

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State Road 807 (Congress Ave) just east of State Road 9 to safely conduct the SFSEs. The ground was even and free of debris and the tip of my pin was used as a stimulus for the Horizontal Gaze Nystagmus. A white parking lot line was used for the Walk and Turn.

Before beginning the exercises, I checked to see if Ms. Robb was wearing glasses. It was determined that Ms. Robb was not wearing glasses. Ms. Robb was instructed to place her feet together and place her hands down at her side. She then was instructed to keep her head still and follow the stimulus with her eyes and his eyes only. She was also instructed to keep looking at the stimulus and told not to move her head. Ms. Robb verbally indicated that she understood all the instructions above.

Horizontal Gaze Nystagmus:

During the exercise I observed:

- Equal tracking and equal pupil size.
- A lack of smooth pursuit in both eyes.
- Distinct and sustained nystagmus at maximum deviation in both eyes
- Nystagmus prior to 45 degrees in both eyes

Walk and Turn:

The defendant advised she 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 forward missing several heel to toe and an improper turn (Twice)
- Driver walked backwards although being instructed to make a proper turn taking 9 heel toe steps forward
- Driver used arms for balance
- Driver lost balance during turn

One Leg Stand:

The defendant advised she understood the instructions explained

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During the one leg Stand I observed:

- The driver lifted her left foot off the ground for half the exercise/ stopped and began to do exercise with right foot
- Driver did not count out loud
- Driver looked up throughout the whole exercise
- Driver put foot down before being told to stop

Due to the totality of circumstances, Ms. Ross was placed under arrest for DUI at 1:07 A.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 she regurgitate or take anything by mouth. I then requested she provide a sample of her breath which she refused. Florida Implied consent was read, and she refused again. Ms. Ross was booked and processed at the Palm Beach County Jail. 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 10/01/2020 8:30AM	Court Fine
Comments			


Officer Name Rank / ID # GONZALEZ, MARQUIS TPR 4519	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPLILWRCC\PALM BEACHBROW 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 4519	Sworn and subscribed before me, the undersigned authority This the _____ day of _____ 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 COPY

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: ROBB, LIVIA

CASE NUMBER: 20-102112

DATE: Aug 30, 2020

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 01:56

ENDING TIME: 02:04

BREATH TESTS RESULTS: 1) R TIME 02:00 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: ACCENT

ATTITUDE: TALKATIVE, LOUD, PROFNITY, MAD, UPSET/ MOOD SWINGS, CRYING

CLOTHING: WHITE SHORTS, WHITE/GREY SHIRT, SILVER SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: GLASSY AND BLOODSHOT

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 01:35 HRS.

SUBJECT: REFUSED TO ANSWER FORMAT QUESTIONS

SUBJECT: REFUSED TO ANSWER IF SHE WOULD TAKE TEST

A/O: READ I/C

SUBJECT: REFUSED TO ANSWER IF SHE UNDERSTOOD I/C KEPT TALKING OVER A/O

A/O: CALLED REFUSAL

A/O: READ RIGHTS

SUBJECT: REFUSED TO ANSWER IF SHE UNDERSTOOD RIGHTS

NO Q&A CONDUCTED

REFUSED



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

PBSO CASE # 20-102112 PBSO ZONE 4-22

AGENCY CASE # FHPL200FF047921 CRASH CASE # _____

TIME OF STOP/CRASH 12:15 AM DATE 8/30/20 DAY Sunday

SUBJECT'S NAME Livia Robb RACE White SEX F

HGT 506 WGT 130 lbs DOB 1/31/1975

LOCATION SR 9 NB At Congress Ave

ARRESTING OFFICER'S NAME & ID Trooper Gonzalez AGENCY FHP
4519

DIVISION: _____

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 1:34 AM

Arrest Time 1:07 AM

BREATH RESULTS:

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

TESTING OFFICER'S ID 24639

NOT A CERTIFIED COPY

**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 30 day of August, 2020, at 1:07 P.M. A.M.

DRIVER LIVIA ROBB
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# R100520755310, state of FL, was placed under lawful arrest for

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

issued Citation # A76X0BE

That on or about the 30 day of August, 2020, at 1:07 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:

Signature of Attesting Officer

Title _____

Date _____

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this _____ day of _____, 20 _____,

by _____,

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

Notary Public _____

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.

SUBJECT: _____

Robb, Livia

CASE NUMBER: _____

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: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

SUBJECT: Robb, Livia

CASE NUMBER: _____

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 _____ of the _____

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 – 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: 2020020530	Date: 08/31/2020
	Specialist Name/ID: AM/31562