

0513910
Arrest Report

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

20CT 593
N/A

1850

Report Date / Time 1/10/2020 12:21 AM	Report Number FHP99ARR816333	Case Number/Cad Number FHPL20OFF001894 / LWRC20CAD005262	Reporting Officer Name Z. TODD
Originating Agency ORI	Occur Date Time Range 01/09/2020 23:22:27 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description ROADWAY			
Street Number SR-9	Street SB 10TH AVE	Apt/Lot/Bldg	City LAKE WORTH	State FL	Zip Code 33461

Defendant

First Name LUANA	Middle Name	Last Name SARMENTO	Suffix	Race WHITE	Sex FEMALE	Height 504	Weight 110	Hair BRO	Eyes BRO
MNI #	SSN 000-00-0000	Date of Birth 10/05/1990	Age 29	Place of Birth RIO DE JANIERO FF BRAZIL	Drivers License or other ID	State	ID Type O		
Address * RESIDENCE / 6460 ARTHUR ST , HOLLYWOOD, FL 33024 /									

Arrest

Arrest Date/Time 1/10/2020 12:52:23 AM	Arrest Location Type RESIDENCE	Arrest Location Description ROADWAY				
Street Number SR-9	Street SB 10TH AVE	Apt/Lot/Bldg	County PALM BEACH	City LAKE WORTH	State FL	Zip Code 33461

Charge : S

Counts 1	Charge 316.193.1	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 322.03.1	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S	Charge Level MISDEMEANOR	General Offense Code MOVING TRAFFIC VIOL	
Charge Description OPERATE MOTOR VEHICLE WO VALID LICENSE			

JAN 10 AM 2:42

Cpl H. O'Neal 7200

SCANNED
JAN 10 2020

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Bond Set by Court

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

Probable Cause

On January 09, 2020 I was on routine patrol in my marked patrol car in Palm Beach county. I arrived on the scene of a possible reckless driver that was traveling southbound on I-95 (State Road 9) north of 10th Ave N . I arrived on scene and the road ranger advised me that he was following behind a vehicle that was traveling approximately 10mph on the interstate. He stated that the vehicle ultimately observed that the vehicle pulled over onto the right shoulder of the roadway. He then stated that he observed the driver exit the female and was walking on the shoulder of the roadway. I then arrived on scene and observed a female talking to the road ranger on the shoulder of the roadway. I identified myself to the female and she was later identified as Luana Sarmento by her Spain passport. She stated that she was coming from work and was trying to go to Pompano. As she talked I observed that she had bloodshot glassy eyes, slurred speech an orbital sway and the odor of an unknown alcoholic beverage was emitting from her breath as she talked. I then requested that she conduct field sobriety exercise and she agreed.

Horizontal Gaze Nystagmus

Before beginning the exercises, I checked to see if Ms. Sarmento was wearing glasses or contact lenses. It was determined that Ms. Sarmento was not wearing glasses or contacts. I then checked her eyes and observed equal tracking and equal pupil size. She 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 her eyes only. She was also instructed to keep looking at the stimulus until told not to. She verbally indicated that she understood. During the exercise I observed 6 of the 6 possible clues.

- Lack of smooth pursuit, left eye
- Lack of smooth pursuit, right eye
- A distinct and sustained nystagmus at maximum deviation in the left eye
- A distinct and sustained nystagmus at maximum deviation in the right eye
- An onset of nystagmus prior to 45 degrees in the left eye
- An onset of nystagmus prior to 45 degrees in the right eye

Initial Angle of Onset: 35°.

During the exercise Ms. Sarmento had to be told to stay in the proper position and not to move her head during the exercise. I also observed Ms. Sarmento to have an orbital sway.

Walk and Turn Exercise

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The area was level and free of debris. Ms. Sarmento indicated that she observed the yellow line on the ground. Ms. Sarmento was instructed to put her left foot on the line, then place her right foot on the line ahead of the left foot in a heel to toe manner. I then demonstrated this position. She was instructed not to begin untold to do so. Ms. Sarmento verbally indicated that she has understood all instructions up to this point. Ms. Sarmento was then instructed to take 9 heel to toe steps on the line when told to do so. I then demonstrated this. Ms. Sarmento was then instructed to turn on the ninth step and to keep the front foot on the line and to take a series of small steps with the foot on the line. I then demonstrated this. Ms. Sarmento was also instructed to keep her arms at her sides and to watch her feet during the exercise. Ms. Sarmento was also instructed to count aloud and to not stop once she begins the exercise. She was instructed to keep her arms at her side.

Ms. Sarmento began the exercise too soon and had to be told to wait and to get back into the starting position multiple times. She began the exercise and stepped off the line on multiple steps. Ms. Sarmento also did not count aloud and showed difficulty keeping balance. She used her arms for balance and raised them higher than 6 inches. While completing the turn Ms. Sarmento took both feet off the line and incorrectly completed the turn. She also did not touch heel to toe on all steps. She also had a sway as she walked on the line.

One Leg Stand Exercise

Ms. Sarmento was instructed to stand with her feet together and to place her arms down at her side. Ms. Sarmento was instructed to maintain that position until told to do so. Once told to do so, she was instructed to raise one leg approximately 6 inches off the ground and to keep both legs straight with both arms at her side. She was also instructed to look at the elevated foot and count aloud in the manner of one thousand-one, one thousand-two and so on until told to stop. Ms. Sarmento verbally indicated that she understood the instructions after I demonstrated to her.

Ms. Sarmento was told to begin and raised her right foot. During the exercise Ms. Sarmento displayed an orbital sway and had to use her arms multiple times to keep from losing balance. She raised her arm approximately 6-7 inches away from her body. She also did not raise her foot six inches off the ground or keep both legs straight. She raised her foot approximately 8-10 inches. Ms. Sarmento placed her foot down during the exercise multiple times and stopped the exercise. She did not look down at her foot during the exercise and count aloud as instructed.

Finger To Nose

Ms. Sarmento was instructed stand with her feet together and arms at her side and to have her index fingers pointed out. She was instructed to not start and stay in that position until told to do so. She stated that she understood. I then demonstrated the position. Ms. Sarmento was then instructed to when told to start to close both eyes and tilt her head back. When told to do so she was instructed to bring the hand I directed upward, touching the tip of your finger to the tip of her nose. I then demonstrated this. She was then instructed to after touching the tip of the nose to immediately bring her hand down to her side. She stated that she understood. I then demonstrated and she stated that

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she understood. She was instructed to raise her hand in the following order, left, right, left, right, and right, left.

- Left: Did not return immediately to side. Missed nose. Raised wrong hand.
 - Right: Missed nose. Did not return immediately to side
 - Left: Missed nose. Did not return immediately to side
 - Right: Missed nose. Did not return immediately to side
 - Right: Missed nose. Did not return immediately to side
 - Left: Missed nose. Did not return immediately to side
- While conducting the exercise I observed an orbital sway.

She was then placed under arrest for DUI and secured inside of my patrol car. She was then transported to the county jail. Once we arrived at the testing center, I conducted a 20-minute observation. At no time did she regurgitate or take anything by mouth. I then requested that she provide a sample of her breath and she refused. Implied consent was read, and she stated that she understood and refused again. She was then booked into the county jail.

The above incident occurred Palm Beach County.

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 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Apperance Date / Time 02/10/2020 830 AM	Court Fine
Comments			

Officer Name
Rank / ID #

Involvement On Report /
Reporting Role

Officer Agency
Org/Unit

Arrest Report

Page 4 of 5

SCANNED

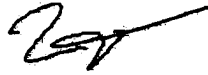
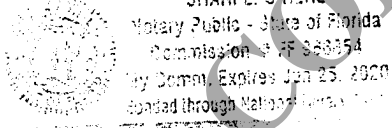
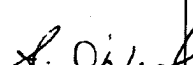
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Z. TODD TROOPER	4141	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LWRC\C\PALM BEACH\SR804 JSOF SR702
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The undersigned certifies and swears that he/she has just and reasonable grounds to believe that 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 Z. TODD	Office Rank TROOPER	Officer ID No 4141	Sworn and subscribed before me, the undersigned authority This the <u>10</u> day of <u>January</u> , 2020 DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT SHARI L. O'NEAL Notary Public - State of Florida Commission # FF 868254 My Comm. Expires Jan 25, 2020 Bonded through National Surety
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature			

NOT A CERTIFIED

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

I, Z. TODD, 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 9 day of JAN, 2020, at 2353 P.M. A.M.

DRIVER LUANA SARMENTO
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# NOVIE, state of FL, was placed under lawful arrest for
316.193(1)

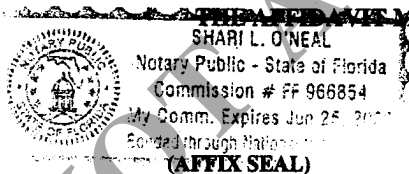
the offense of D.U.I. - DRIVING UNDER THE INFLUENCE (MISD... by Z. TODD and
(Name of Arresting Officer)

issued Citation # A76U2UE

That on or about the 10 day of JAN, 2020, at 0053 P.M. A.M.
in FALM 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 of Law Enforcement Officer or
Correctional Officer



The foregoing instrument was sworn and subscribed before me:

The foregoing instrument was sworn and subscribed before
me this 10 day of January, 2020,
by _____

Signature of Attesting Officer

Title _____
Date _____

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

Notary Public S. O'Neal

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.

HSMV-BAR1001 (REV. 10/2016)

SCANNED
JAN 10 2020



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

PBSO CASE # 20-024405 PBSO ZONE 1-31

AGENCY CASE # FHPL20DF001899 CRASH CASE # _____

TIME OF STOP/CRASH 2339 DATE 1/10/20 DAY FRI

SUBJECT'S NAME LUANA SARMENTO RACE W SEX F

HGT 5'03 WGT 110 DOB 5/10/1990

LOCATION I-95 SB 10th AVE

ARRESTING OFFICER'S NAME & ID TODD 4141 AGENCY FHPL

DIVISION: DUI

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 0025

BREATH RESULTS:

Arrest Time 2351

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

TESTING OFFICER'S ID 2909

NOT A CERTIFIED COPY

SCANNED
JAN 10 2020

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: SARMENTO, LUANA S. CASE NUMBER: 20-024405

DATE: 01/10/20 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 0050 ENDING TIME: 0101

BREATH TESTS RESULTS: 1) R TIME 0053 (A.M./P.M.) 2) N/A TIME — A.M./P.M.

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

BREATH OPERATOR: G. PARENT #7909

MAINTENANCE TECHNICIAN: KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: ACCENT

ATTITUDE: UPSET, FEOGETY, TALKATIVE, CRYING, MOOD SWINGS

CLOTHING: JEAN SKIRT, BLACK HALTER TOP, PINK + WHITE SANDALS

MEDICAL CONDITIONS: NONE / DEPRESSION

MEDICATIONS: NONE / FLUXICINA

OTHER: EYES WATERY AND BLOODSHOT,

REFUSED

Δ ADMITTED TO DRINKING 2 TITOS W/CRAWBERRY JUICE (Q+A)

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 0023 HRS.

Δ ASKED IF SHE HAD TO TAKE TEST

A/O READ I/C AND EXPLAINED

Δ ACKNOWLEDGED SHE UNDERSTOOD I/C AND REFUSED TEST

A/O READ RIGHTS

Δ STATED SHE UNDERSTOOD RIGHTS

REFUSED

A/O CONDUCTED Q+A

Δ ANSWERED QUESTIONS

SCANNED

JAN 10 2020

SUBJECT: SARMENTO, LUANA S. 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

SUBJECT: SARMENTO, LUANA S. 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? YES

WHERE WERE YOU GOING? Home / HOLLYWOOD

WHAT STREET OR HIGHWAY WERE YOU ON? I DON'T KNOW / WAS IN POMPANO

DIRECTION OF TRAVEL? HOLLYWOOD ~~DISTRICT~~ WHERE DID YOU START? Work

WHAT TIME DID YOU START? 4:30 WHAT TIME IS IT NOW? 4:30 12/11

WHAT IS TODAY'S DATE? Sun 1/9 WHAT DAY OF THE WEEK IS IT? WED / Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? Pompano

WHEN DID YOU LAST EAT? 1/11/11 WHAT DID YOU EAT? Chicken

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? working

HOW MUCH DO YOU WEIGH? 62 kg HAVE YOU BEEN DRINKING? yes WHAT? 2 ~~of~~ 8oz of TITOS

HOW MUCH? 2 shots WHERE? Soo WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? 7 pm AND YOUR LAST DRINK? 7:30 pm

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? shots

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? NO HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? Dancer WHEN DID YOU LAST WORK? Tuesday

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO WHAT? _____

ARE YOU SICK OR INJURED? NO WHAT'S WRONG? _____

DO YOU LIMP? NO DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? NO

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? yes WHAT? anticoagulant (aspirin) WHEN? _____

DO YOU HAVE: EPILEPSY? NO

GLASS EYE? NO

FALSE TEETH? NO YES / broke not fake

EAR INFECTION? yes

INNER EAR TROUBLE? NO

DIABETES? NO

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? NO

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? yes WHERE? Brazil

INTERVIEWER: _____

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

JAN 10 2011