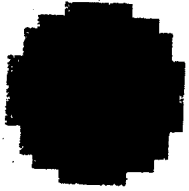


0519530 50-2020-CT-014379-AMB
 Arrest Report 2204



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

Report Date / Time 11/9/2020 08:19 PM	Report Number FHP99ARR804887	Case Number/Cad Number FHPL20OFF064330 / LWRC20CAD171628	Reporting Officer Name MASTERSON, MONIQUE
Originating Agency ORI	Occur Date Time Range 11/09/2020 18:32:52 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description
Street Number W SUMMIT BLVD AND CONGRESS AVE	Apt/Lot/Bldg City WEST PALM BEACH	State FL
Street W SUMMIT BLVD AND CONGRESS AVE	City WEST PALM BEACH	Zip Code 33406

Defendant

First Name MARLON	Middle Name ELIER	Last Name POU CARBALLOSA	Suffix	Race HISPANIC C WHITE	Sex MALE	Height 508	Weight 180	Hair BLK	Eyes BRO
MNI #	SSN	Date of Birth 11/26/1984	Age 35	ID Type E	Drivers License or other ID P261545844260	State FL	OCA / Agency ID		
Place of Birth: SANTA CLARA FF CUBA	Address * RESIDENCE / 836 FRANCIS ST , WEST PALM BEACH, FL 33406 /								

Arrest

Arrest Date/Time 11/9/2020 7:56:49 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description
Street Number W SUMMIT BLVD AND CONGRESS AVE	Apt/Lot/Bldg County PALM BEACH	City WEST PALM BEACH
Street W SUMMIT BLVD AND CONGRESS AVE	City WEST PALM BEACH	Zip Code 33406

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 11/9/2020 Monday at approximately 6:40PM I was contacted to be in route to a crash involving another trooper at Summit Boulevard and Congress

Arrest Report

CP HOWEAL7200

Report Date / Time 11/9/2020 08:19 PM	Report Number FHP99ARR804887	Case Number/Cad Number FHPL20OFF064330 / LWRC20CAD171628	Reporting Officer Name MASTERSON, MONIQUE
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Avenue. I went on duty and was in route to the crash at 7:00PM. I arrived on scene at 7:11PM. Upon arrival I observed three vehicles involved in the crash. Sergeant Leo was conducting the crash investigation. I observed a man in a white shirt and blue shorts sitting on the ground next to another trooper. I walked up to the man sitting on the ground.

I introduced myself as Trooper Masterson with FHP. The man spoke partial English and requested I speak Spanish. I do not speak Spanish. The man identified by his Florida driver license as Marlon Elier Pou Carballosa (P261-545-84-426-0). Mr. Pou Carballosa asked if I could retrieve his phone from his vehicle. Mr. Pou Carballosa pointed to a white Ford Utility. The white utility vehicle bore the Florida tag of "Y82SFL". I recovered Mr. Pou Carballosa phone and prescription glasses from that vehicle. During my interactions with Mr. Pou Carballosa on scene, I smelled an obvious odor of an alcoholic beverage omitting from Mr. Pou Carballosa breath. Mr. Pou Carballosa had red eyes and spoke slowly. Mr. Pou Carballosa had lackadaisical movements and had an obvious sway when he stood to talk. I notified Sergeant Leo that I suspect Mr. Pou Carballosa was under the influence of alcohol and I would be conducting a DUI investigation after he finished his crash investigation.

Indicators:

- Obvious odor of alcoholic beverage omitting from Mr. Pou Carballosa breath.
- Red eyes.
- Obvious sway when standing.
- Lethargic movements
- Careless.

CSA Huambachano with PBSO translated all further conversations and questions for Mr. Pou Carballosa. Mr. Pou Carballosa stated he could understand CSA Huambachano's Spanish.

Sergeant Leo notified Mr. Pou Carballosa that he was done with his crash investigation and I, Trooper Masterson was conducting a DUI investigation due to

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the impairments I observed on scene and the manner of the crash at approximately 7:23PM. I read Mr. Pou Carballosa his Miranda rights at 7:25PM. Mr. Pou Carballosa stated he understood and continued to speak with us. I asked Mr. Pou Carballosa a few questions. Mr. Pou Carballosa stated he had 2 Bud light beers at 6:00PM and was going home from Military trail and was traveling eastbound on Summit boulevard. I asked Mr. Pou Carballosa if he wanted to participate in voluntary SFST. Mr. Pou Carballosa stated yes.

I asked Mr. Pou Carballosa if he had any medical problems or issues with head, eyes, neck, back, legs, knees, or feet. I asked Mr. Pou Carballosa if he had any balance issues or any medical issues that would prevent him from performing the exercises properly. I asked him if he used contacts, glasses, or had any eye issues. I asked Mr. Pou Carballosa if he was diabetic or suffered from seizures or strokes. Mr. Pou Carballosa stated he had no medical problems or issues with head, eyes, neck, back, legs, knees, or feet. Mr. Pou Carballosa stated he did not have any balance issues or any medical issues that would prevent him from performing the exercises properly. Mr. Pou Carballosa stated he did not take any drugs or medications. Mr. Pou Carballosa stated he did not have diabetes or suffer from seizures or strokes.

The first exercise was the Horizontal Gaze Nystagmus. Mr. Pou Carballosa was placed in the starting position of standing up straight with feet together and arms by his side. I instructed Mr. Pou Carballosa to keep his head and body still during the entirety of the first exercise. I explained to Mr. Pou Carballosa that I would move my pen from side to side and for him to move his eyes only. I asked Mr. Pou Carballosa if he understood the instructions. Mr. Pou Carballosa stated that he understood. Mr. Pou Carballosa swayed during the exercise. Mr. Pou Carballosa 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 tested. I observed no Vertical Gaze Nystagmus. Mr. Pou Carballosa moved his head with the pen multiple times. Mr. Pou Carballosa had a difficult time staying in the starting position.

The second exercise was the Walk and Turn. I instructed and demonstrated

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Mr. Pou Carballosa 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. Pou Carballosa that his arms are to stay by his side and not to raise at any point during this exercise. I instructed and demonstrated Mr. Pou Carballosa to stay in that position (the starting position) while I give the rest of the instruction to the test. I specifically instructed Mr. Pou Carballosa to not begin the exercise until told to do so. I instructed and demonstrated Mr. Pou Carballosa 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. Pou Carballosa 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. Pou Carballosa if he understood the instructions throughout giving the instructions. Mr. Pou Carballosa stated he did understand the instructions. Mr. Pou Carballosa started the exercise prior to being instructed to start. Mr. Pou Carballosa failed to stay in the ready position during the period of instruction. Mr. Pou Carballosa preformed an improper turn. Mr. Pou Carballosa did not walk heel to toe for any steps. Mr. Pou Carballosa did not keep his arms by his side during the exercise. Mr. Pou Carballosa took more than nine steps toward my patrol vehicle (on the way back). Mr. Pou Carballosa did not count his steps out loud. Mr. Pou Carballosa stepped of the line.

The third exercise was the One Leg Stand. I instructed and demonstrated Mr. Pou Carballosa to stand with feet together and arms by his side; the same as the first exercise. I specifically informed Mr. Pou Carballosa to not begin the exercise until told to do so. I explained and demonstrated to Mr. Pou Carballosa 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. Pou Carballosa to count out loud the seconds that pass by while his foot is raised above the ground. I notified Mr. Pou Carballosa that if he did place his foot on the ground to continue with the exercise. I asked Mr. Pou Carballosa if he understood the instructions throughout giving the instructions. Mr. Pou Carballosa stated he understood. Mr. Pou Carballosa had a noticeable sway during the exercise. Mr. Pou Carballosa failed to keep his foot six inches from the ground and parallel with the ground. Mr. Pou Carballosa could not keep his foot off the ground for more than three seconds for most of the exercise. Mr. Pou Carballosa changed

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which leg to hold up during the exercise. Mr. Pou Carballosa used his arms for balance. Mr. Pou Carballosa hopped during the exercise.

Clues:

- Lack of smooth pursuit in both eyes
- Distinct and sustained Nystagmus at maximum deviation in both eyes
- Onset of Nystagmus prior to 45 degrees in both eyes

Walk and turn

- started the exercise prior to being instructed to start
- failed to stay in the ready position during the period of instruction
- performed an improper turn
- Failed to walk heel to toe
- Used arms for balance
- stepped off the line

One leg stand

- Sways while balancing
- Used arm for balance
- Hopped
- Put foot down

Based on the initial indicators that I observed on scene during the crash investigation and the clues that I observed during the SFST exercises, I placed Mr. Pou Carballosa under arrest for DUI (Florida Statute 316.193.1a) at 7:56 PM on 11/9/2020. After placing Mr. Pou Carballosa in handcuffs, I conducted a thorough search of him. I placed Mr. Pou Carballosa in the rear right seat of my patrol car. Mr. Pou Carballosa was also cited for the crash with a failure to use designated lane citation (316.089) by Sergeant Leo.

Mr. Pou Carballosa was transported to the Breath Test Facility (BAT). Mr. Pou Carballosa under went a 20 minute observation to where he did not ingest or regurgitate anything. Mr. Pou Carballosa agreed to give breath samples. Mr. Pou Carballosa blew a .317 and .318. Mr. Pou Carballosa Miranda rights were read again on camera.

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Mr. Pou Carballosa was transported to Good Samaritan west for Medical clearance for being involved in a crash and having a blood alcohol content of over .3 . Mr. Pou Carballosa was then transported to the Palm Beach County Jail BAT after being cleared by the doctor. I inventoried Mr. Pou Carballosa property and discovered a clear baggie containing an unknown white powdery substance in his wallet. I was unable to test the white powdery substance safely at the current moment. The white powdery substance was placed into evidence for further testing.

Mr. Pou Carballosa was booked into jail with no further incidence. All the above events occurred in the county of Palm Beach. All video of SFST was captured on FHP1388 in car camera and will be uploaded to the FHP server.

Jail Booking Facility

Booking Data/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

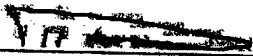
Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time 12/03/2020 8:30AM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
HUAMBACHANO, R CSA 14286	ASSISTING	PBSO PBSO
MASTERSON, MONIQUE TPR 4467	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPLLWRCCLP\PALM BEACHISR804 JSOF SR702

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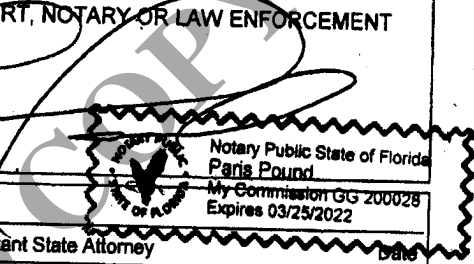
The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name MASTERSON, MONIQUE	Office Rank TPR	Officer ID No 4467	Sworn and subscribed before me, the undersigned authority This the <u>10th</u> day of <u>November</u> 2020 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

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: POU CARBALLOSA, MARLON ELIER

CASE NUMBER: 20125304

DATE: 11/09/2020

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2036

ENDING TIME: 2102

BREATH TESTS RESULTS: 1) .317 TIME 2042 A.M. P.M. 2) .318 TIME 2047 A.M. P.M.
3) TIME A.M. P.M. 4) TIME A.M. P.M.

BREATH OPERATOR: S. Owen #3184

MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: VERY LITTLE ENGLISH

ATTITUDE: QUIET, CO-OPERATIVE

CLOTHING: TENNIS SHOES, GREY SHORTS, WHITE T-SHIRT WITH SPOTS OF BLOOD, WORE GLASSES

MEDICAL CONDITIONS: HEART PALPITATION

MEDICATIONS: NONE

OTHER:

PBSO CSA HUAMBACHANO #14286 DID TRANSLATION

ENTIRE PROCEDURE DONE IN SPANISH

COMMENTS:

ARRIVAL TIME 2015 HOURS. A/O OBSERVED DEFT 20 MINUTES. A/O REQUESTED BREATH TEST, DEFENDANT AGREED. SEVERAL ATTEMPTS MADE ADEQUATE SAMPLES. CSA GAVE RESULTS. DEFT BLEW OVER .300. A/O READ C/W, DEFT UNDERSTOOD RIGHTS. ANSWERED Q AND A. SAID HE HAD TWO BEERS AND COULD FEEL EFFECTS OF IT BUT SAID HE COULD BE UNDER THE INFLUENCE. DEFENDANT TAKE TO WEST GOOD SAMP FOR CLEARANCE.

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: 80-006029 Software: 8100.27
Date of Test: 11/09/2020

Date of Last Agency Inspection: 10/16/2020
Observation Period Began: 20:15
Subject's Name: MARLON ELIER POU CARBALLOSA

DOB: 11/26/1984 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	20:40
	Air Blank	0.000	20:40
	Control Test	0.080	20:40
	Air Blank	0.000	20:41
	Subject Sample #1	0.317	20:42
	Air Blank	0.000	20:43
	Air Blank	0.000	20:44
	Subject Sample #2	0.318	20:47
	Air Blank	0.000	20:47
	Control Test	0.079	20:48
	Air Blank	0.000	20:48
	Diagnostics Check	OK	20:48

Cylinder Lot: 14020080A1
Exp: 07/05/2022

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 SUE OWEN, 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: [Signature] Date: 11/09/2020
Signature

Sworn to (or affirmed) before me this 9th day of November, 2020

[Signature] Signature of Notary Public-State of Florida
Tpr M. Masterson 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.

SUBJECT: _____ 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

WHAT STREET OR HIGHWAY WERE YOU ON? SUMMIT

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? MILITARY

WHAT TIME DID YOU START? 7 AM WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? 1/11 WHAT DAY OF THE WEEK IS IT? MONDAY

WHAT COUNTY AND CITY ARE YOU IN NOW? PALMER MASS

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? COFFEE

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

HOW MUCH DO YOU WEIGH? 170 HAVE YOU BEEN DRINKING? NO WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? 15 AND YOUR LAST DRINK? 7

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

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? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO 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? NO IF SO, WHEN WAS YOUR LAST INJECTION? _____

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

INTERVIEWER: COA R. HUAMEACHIANO TRF MASTERSON

SUBJECT: _____ 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) _____

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) _____



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
I/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"/>	F.C. Art. 1, Sect 16	Other: Marsy's Law	
	<input type="checkbox"/>	119.0712 (2)	Other: Personal information contained in a motor vehicle record	

REVIEW COMPLETED BY

Booking Number: 2020026426	Date: 11/10/2020
	Specialist Name/ID: VARGO/6665