

0522833

# ARREST / NOTICE TO APPEAR Juvenile Referral Report

1. Arrest  
2. N.T.A.3. Request for Warrant  
4. Request for Capias

Juvenile

1

N

PCH-1097

OBTS Number		Agency ORI Number <b>FLO 500000</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>		Agency Report Number (N.T.A.'s only) <b>06-21-057747</b>	
Charge Type: Check as many as apply: <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input checked="" type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		Weapon Seized / Type <input checked="" type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No <b>NONE</b>		Multiple Clearance Indicator <b>01</b>			
Location of Arrest (Including Name of Business) <b>Military Trl and Community Dr WPB 33417</b>				Location of Offense (Business Name, Address) <b>Military Trl and Community Dr WPB 33417</b>			
Date of Arrest <b>04/21/2021</b>	Time of Arrest <b>1509</b>	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle <b>Sisters Towing</b>	
Name (Last, First, Middle) <b>Martin Nora Viviana</b>		Alias (Name, DOB, Soc. Sec. #, Etc.)					
Race <b>W - White I - American Indian B - Black O - Oriental/Asian</b>	Sex <b>F</b>	Date of Birth <b>01/25/1974</b>	Height <b>5'8</b>	Weight <b>145</b>	Eye Color <b>Brn</b>	Hair Color <b>Brn</b>	Complexion <b>Light</b>
Build <b>Small</b>		Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) <b>Multiple Tattoos</b>		Marital Status <b>Married</b>	Religion <b>CHRISTIAN</b>	Indication of: Alcohol Influence Drug Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk.	
Local Address (Street, Apt. Number) <b>7721 NW 7th St Apt 721</b>		(City) <b>Miami</b>	(State) <b>FL</b>	(Zip) <b>33126</b>	Phone <b>(305) 989-4583</b>	Residence Type: 1. City 2. County 3. Florida 4. Out of State <b>3</b>	
Permanent Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone	Address Source <b>Florida License</b>	
Business Address (Name, Street)		(City)	(State)	(Zip)	Phone	Occupation <b>DANCER</b>	
D/L Number, State <b>M635-638-74-525-0</b>		INS Number		Place of Birth (City, State) <b>Mar-Delbata Argentina</b>		Citizenship <b>YES</b>	
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile		
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile		
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other:		Address (Street, Apt. Number)		(City)	(State)	(Zip)	Residence Phone
Notified by: (Name)		Date		Time	Juvenile Disposition 1. Handled/processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated		
Released To: (Name)		Relationship		Date	Time		
The above address provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. <input type="checkbox"/> Yes, by (Name) <input type="checkbox"/> No: (Reason)				School Attended		Grade	
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property		Value of Property			
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic	R. Smuggle D. Deliver E. Use	K. Dispense/ Distribute	M. Manufacture/ Produce/ Cultivate	Z. Other	Drug Type N. N/A A. Amphetamine
							B. Barbiturate C. Cocaine E. Heroin
							H. Hallucinogen M. Marijuana O. Opium/Deriv.
							P. Paraphernalia/ Equipment S. Synthetics
							U. Unknown Z. Other
Charge Description <b>DRIVING UNDER THE INFLUENCE</b>		Counts <b>1</b>	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number <b>316.193(1)(A)</b>		Violation of ORD #	
Drug Activity <b>N</b>	Drug Type <b>N</b>	Amount / Unit <b>REFUSED</b>	Offense # <b>21-057747</b>	Warrant / Capias Number		Bond	
Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond	
Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond	
Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond	
Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond	
<p><b>CRIMINAL JUSTICE COMPLEX / 3228 GUN CLUB ROAD, WPB, FL 33406</b></p> <p>Court Date and Time Month <b>May</b> Day <b>20th</b> Year <b>2021</b> Time <b>8:30</b> AM <input checked="" type="checkbox"/> PM</p> <p>I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.</p> <p>Signature of Defendant (or Juvenile and Parent/Custodian) _____ Date Signed <b>04/21/2021</b></p>							
HOLD for other Agency Name:		Signature of Arresting Officer <b>[Signature]</b>		Name Verification (Printed by Arrestee) <b>[Signature]</b>			
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:		(PRINT) <b>Cpl. M. SMITH</b>			
Intake Deputy <b>[Signature]</b>		Pouch #		Name of Arresting Officer (Print) <b>Cpl. M. SMITH</b>		I.D. # <b>9621</b>	
Transporting Officer <b>Smith</b>		ID # <b>9621</b>		Agency <b>PBSO</b>		Witness here if subject signed with me <b>[Signature]</b>	

PBSO #148 REV. 8/97

DISTRIBUTION: WHITE - COURT COPY

GREEN - STATE ATTORNEY

YELLOW - AGENCY

PINK - AGENCY GOLD - DEFENDANT (N.T.A.'s ONLY)

APR 22 2021

OBTS Number		<b>PROBABLE CAUSE AFFIDAVIT</b>		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1	Juvenile	N	
ADMIN	Agency ORI Number <b>FLO 500000</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>		Agency Report Number <b>06- 21-057747</b>						
	Charge Type: Check as many as apply <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		Special Notes: <b>Supplemental PC</b>				
DEF	Name (Last, First, Middle) <b>Martin, Nora, Viviana</b>				Alias		Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>1/25/1974</b>		
	Charge Description <b>DRIVING UNDER THE INFLUENCE</b>				316.193(1)		Charge Description				
CHARGES	Charge Description				Charge Description						
	Charge Description				Charge Description						
VICTIM	Victim's Name (Last, First, Middle) <b>STATE OF FLORIDA, ,</b>						Race	Sex	Date of Birth		
	Local Address (Street, Apt. Number)						(City)	(State)	(zip)	Phone	Address Source
	Business Address (Name, Street)						(City)	(State)	(zip)	Phone	Occupation <b>GOVERNMENT</b>
<p>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</p> <p><input checked="" type="checkbox"/> committed the below acts in my presence. <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.</p> <p><input type="checkbox"/> confessed to _____ <input type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.</p> <p>admitting to the below facts.</p> <p>On the <u>21st</u> day of <u>APRIL</u> 20<u>21</u> at <u>2:40</u> <input type="checkbox"/> A. M. <input checked="" type="checkbox"/> P. M. (Specifically include facts constituting cause for arrest.)</p>											
<p><b>On 04/21/2021 at approximately 14:40hrs, while conducting selective traffic enforcement in the area of the 5000 block of Okeechobee Blvd which is located in unincorporated West Palm Beach, Palm Beach County, Florida when I responded to a report of a possible impaired driver traveling eastbound on Okeechobee Blvd. The vehicle was described as a white Lexus bearing Florida tag LUJ-K28. While in my unmarked PBSO patrol vehicle I was able to locate the vehicle which was in the left turn to go north on Military Trail from Okeechobee Blvd. I observed the white Lexus swerving from lane to lane without signaling, affecting the flow of travel for other vehicles. I observed the driver to be a white, hispanic female in her 50's. The driver was observed braking abruptly and then speeding up to just apply the brakes again. With a marked PBSO vehicle now behind the suspect vehicle, a traffic stop was initiated for the observed infractions.</b></p> <p><b>Contact was made with the driver who was the sole occupant of the vehicle. The driver was identified as "NORA VIVIANA MARTIN", by her Florida driver license. As Martin rolled down her window I immediately detected an obvious and strong odor of an unknown alcoholic beverage emanating from her person and face area. This odor intensified as I spoke to Martin from the passenger side window. Martin had glassy and blood shot eyes. Martin's speech was quick-tongued with a Spanish accent. Martin made several incoherent statements. I observed a copper colored Tervis cup tucked behind the front passenger seat. It was later discovered to have red wine inside. A search of the vehicle incident to an inventory for towing purposes revealed an open bottle of red wine. A bottle open was additionally located in the center console.</b></p> <p><b>This report is for supplemental purposes only and this ends my involvement in this case.</b></p>											
ADMINISTRATIVE	<p>STATE OF FLORIDA COUNTY OF PALM BEACH <i>D/S J Schaefer # 8777</i> <b>D/S. J SCHAEFER</b> (Signature of Arresting/Investigative Officer)</p>										
	<p>The foregoing instrument was sworn to or affirmed and subscribed before me this <u>21st</u> day of <u>APRIL</u> 20<u>21</u> by <b>D/S. J SCHAEFER # 8777</b> <b>PERSONALLY KNOWN LEO</b></p>										
	<p>(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced</p>										
	<p><i>[Signature]</i> Notary Public, Clerk of Court, Officer (F.S.S. 117.10)</p>										

# D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 21st DAY OF April, 20 21, AT 1447 AM ☒ PM  
SUBJECT: Martin Nora Viviana CASE NUMBER: 21-057747

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Cpl. M. SMITH

## PERSONAL CONTACT

### DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

On 04/21/2021 at approximately 14:40hrs, I was called to a possible impaired driver in the area of Okeechobee Blvd and Haverhill Rd, which is located in unincorporated Palm Beach County, Florida. I arrived to the area at approximately 1447hrs. D/S Schaefer #8777 relayed to me, and completed a written signed sworn supplemental Probable Cause Affidavit stating the following, "On 04/21/2021 at approximately 14:40hrs, while conducting selective traffic enforcement in the area of the 5000 block of Okeechobee Blvd which is located in unincorporated West Palm Beach, Palm Beach County, Florida when I responded to a report of a possible impaired driver traveling eastbound on Okeechobee Blvd. The vehicle was described as a white Lexus bearing Florida tag LUJ-K28. While in my unmarked PBSO patrol vehicle I was able to locate the vehicle which was in the left turn to go north on Military Trail from Okeechobee Blvd. I observed the white Lexus swerving from lane to lane without signaling, affecting the flow of travel for other vehicles. I observed the driver to be a white, Hispanic female in her 50's. The driver was observed braking abruptly and then speeding up to just apply the brakes again. With a marked PBSO vehicle now behind the suspect vehicle, a traffic stop was initiated for the observed infractions.

Contact was made with the driver who was the sole occupant of the vehicle. The driver was identified as "NORA VIVIANA MARTIN", by her Florida driver license. As Martin rolled down her window I immediately detected an obvious and strong odor of an unknown alcoholic beverage emanating from her person and face area. This odor intensified as I spoke to Martin from the passenger side window. Martin had glassy and blood shot eyes. Martin's speech was quick-tongued with a Spanish accent. Martin made several incoherent statements. I observed a copper colored Tervis cup tucked behind the front passenger seat. It was later discovered to have red wine inside".

### OBSERVATION OF DRIVER:

Upon making contact with the driver who was identified by her Florida License as Nora Viviana Martin, I immediately detected an obvious and strong odor of an unknown alcoholic beverage emitting from her person and face area. This odor intensified as I spoke to Martin. Martin had glassy, glazed, and blood shot eyes. Martin's speech was quick -tongued at times difficult to understand. Martin's movements were slow and deliberate. Martin was wearing a black t-shirt, gray sweat pants, and white flip flops.

### DRIVER'S STATEMENTS:

Martin stated that she had drank a glass of wine.

### ODORS:

obvious and strong odor of an unknown alcoholic beverage emitting from her person and face area

## GENERAL OBSERVATIONS

SPEECH: Quick, Difficult to understand

ATTITUDE: Calm, Excited

CLOTHING: black t-shirt, gray sweat pants, and white flip flops

MEDICAL/OTHER: See BAT report

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Cpl. M. SMITH

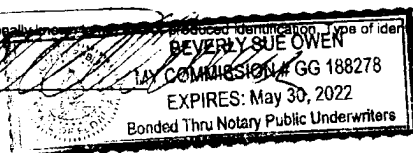
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 21 day of April, 2021 by Cpl. M. SMITH

(Print name of Arresting/Investigative Officer), who is personally known to me, and produced identification. Type of identification produced PERSONALLY KNOWN LEO

Sue Owen (#3184)

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



APR 22 2021

SUBJECT Martin

Nora

CASE NUMBER 21-057747

## ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:☒ LT EYE-LACK OF SMOOTH PURSUIT☒ RT EYE-LACK OF SMOOTH PURSUIT☒ LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION☒ RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION☒ LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES☒ RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

## Other Observations:

Martin would sway roughly in a side to side front to back pattern throughout the task. Martin did positively identify the point to be tracked. Martin was reminded numerous times to track the pen with her eyes only. Martin failed to keep her head still while tracking the stimulus.

## WALK &amp; TURN:

I explained and demonstrated the instructions for the "Walk & Turn" to Martin who stated she understood. During the task, I observed Martin to sway roughly in a side to side, front to back pattern throughout the demonstration phase. Martin could not maintain her balance while listening to instructions. Martin stepped out of the instructional stance during the demonstration to catch her balance. Martin started the task before being instructed to do so. Martin missed heel-to-toe steps and stepped off the line by walking like a ballet dancer. Martin used her arms for balance by raising them more than six inches. Martin performed an improper turn.

## ONE LEG STAND:

I explained and demonstrated the instructions for the "One Leg Stand" to Martin who stated that she understood. During the task, I observed Martin to sway roughly in a side to side, front to back pattern throughout the demonstration phase. Martin continued to sway while balancing on one leg. Martin used her arms to balance raising them more than 6 inches from her sides. Martin again did a ballet stance and did not count as directed.

## FINGER TO NOSE:

I explained and demonstrated the instructions for the "Finger to Nose" task to Martin who stated that she understood. During the task, I observed Martin to sway roughly in a side to side, front to back pattern throughout the demonstration phase. Martin failed to return her arms down to her sides as instructed after touching her nose. Martin index finger did not touch the nose on 6 of 6 attempts. Martin searched for the tip of their nose using the finger to find their nose prior to touching the tip. Martin used the hand other than that which was called. The sequence used for this task was L, R, L, R, R, L.

## ROMBERG ALPHABET:

I explained and demonstrated the instructions for the "Rhombert Alphabet" task to Martin who stated that she understood but did not know the alphabet so she was allowed to count the numbers from 26-52. During the task, I observed Martin to sway roughly in a side to side, front to back pattern throughout the demonstration phase. Martin would sway more than 2 inches. Martin would use her arms for balance by raising them more than 6 inches. Martin correctly recited the numbers.

BREATH TEST RESULTS:      Refused      Refused

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Cpl. M. SMITH

(Signature of Arresting/Investigative Officer)

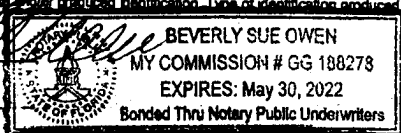
The foregoing instrument was sworn to or affirmed and subscribed before me this 21 day of April, 2021 by Cpl. M. SMITH

(Print name of Arresting/Investigative Officer), who is personally known to me, after produced identification. Type of identification produced

PERSONALLY KNOWN LEO

Sue Owen (#3184)

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



SCANNED

APR 22 2021

## WITNESS LIST

CASE NUMBER: 21-057747

ARRESTING OFFICER: Cpl. M. SMITH

ADDRESS: 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME): \_\_\_\_\_ (WORK) (561) 688-3000

CAN TESTIFY TO: SEE DUI PROBABLE CAUSE AFFIDAVIT, OFFENSE REPORT, & IN-CAR VIDEO

NAME: D/S John Schaefer #8777

ADDRESS: 3228 Gun Club Rd West Palm Beach Fl 33406

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) 561-688-3000

CAN TESTIFY TO: Supplemental PC

NAME: Mercedes Barbosa

ADDRESS: 4200 Community Dr Apt 2203 West Palm Beach

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) 561-233-0299

CAN TESTIFY TO: Wheel Witness

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) 0 (WORK) 0

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

SCANNED

APR 22 2021

# TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: MARTIN, NORA VIVIANA

DATE: Apr 21, 2021

BEGINNING TIME: 1555

CASE NUMBER: 21057747

VIDEO DVD NUMBER: N/A

ENDING TIME: 1611

BREATH TESTS RESULTS: 1) Refused TIME 1601 A.M. ☐ P.M. ☒ 2) TIME 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: ACCENT

ATTITUDE: CO-OPERATIVE, VERY NICE, TALKATIVE

CLOTHING: WHITE SANDALS, GREY PANTS, BLACK TOP, GLASSES

MEDICAL CONDITIONS: HIGH BLOOD PRESSURE, MIGRAINES, HIGH CHOLESTEROL, HEART ISSUES

MEDICATIONS: MEDS FOR HIGH BLOOD PRESSURE, METROPOL, OTHER MEDS

## OTHER:

FORMER BALERINA

## COMMENTS:

A/O AND DEFENDANT ARRIVED AT 1535 HOURS. A/O OBSERVED 20 MINUTES. A/O REQUESTED BREATH TEST, DEFENDANT REFUSED. A/O READ I/C, DEFENDANT DIDN'T UNDERSTAND AND A/O EXPLAINED SEVERAL TIMES. SHE STILL WANTED MORE TIME TO DECIDE. A/O CALLED REFUSAL A/O READ C/W AND EXPLAINED, DEFENDANT UNDERSTOOD. DEFENDANT ANSWERED Q & A. DEFENDANT ADMITTED HAVING ONE GLASS OF RED WINE AT HOME. NOT UNDER INFLUENCE.

SCANNED

APR 22 2021

SUBJECT: Martin, Nora Viviana CASE NUMBER: 21057747

## 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 Cpl Smith of the PBSO.

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.

SCANNED

APR 22 2021

SUSPECT'S SIGNATURE: (X) Read on Camera

SUBJECT: MARTIN, NORA VIVIANA CASE NUMBER: 21057747

## 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? husband's house

WHAT STREET OR HIGHWAY WERE YOU ON? Brady Ave

DIRECTION OF TRAVEL? Don't know WHERE DID YOU START? Miami

WHAT TIME DID YOU START? hour + 8's stop WHAT TIME IS IT NOW? Don't know

WHAT IS TODAY'S DATE? Don't know WHAT DAY OF THE WEEK IS IT? Wednesday

WHAT COUNTY AND CITY ARE YOU IN NOW? West Palm Beach

WHEN DID YOU LAST EAT? Before she came WHAT DID YOU EAT? Steak / mashed potatoes

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Dealing with me, Driving

HOW MUCH DO YOU WEIGH? 149 HAVE YOU BEEN DRINKING? Glass wine WHAT? Red wine

HOW MUCH? 1 Glass WHERE? home WITH WHOM? By herself

WHEN DID YOU HAVE YOUR FIRST DRINK? Before she came AND YOUR LAST DRINK? That drink

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Glass wine, Sipped

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? Nervous ARE YOU UNDER THE INFLUENCE? no I don't do drugs

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? No HOW MUCH?

WHAT?  WHERE?  WHEN?

WHAT LINE OF WORK ARE YOU IN? Director WHEN DID YOU LAST WORK? Today

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?

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

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? yes WHAT? Migraines BP WHEN?

DO YOU HAVE:

EPILEPSY?	<u>NO</u>
GLASS EYE?	<u>NO</u>
FALSE TEETH?	<u>NO</u>
EAR INFECTION?	<u>NO</u>
INNER EAR TROUBLE?	<u>NO</u>
DIABETES?	<u>NO</u>

SCANNED

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? APR 2 2021

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

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? NO WHERE?

INTERVIEWER:

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




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

I, Deputy Sheriff MARK SMITH, a duly certified Law Enforcement Officer or Correctional Officer,  
(Person reading Implied Consent Warning)  
am a member of Palm Beach County Sheriffs Office, and I do swear  
(Name of enforcement agency)  
or affirm that on or about the TWENTY-FIRST day of April, 2021, at 3:09 PM  
DRIVER NORA VIVIANA MARTIN  
(Type or Print) FIRST MIDDLE OR MAIDEN LAST  
DL # M635638745250, state of FL, was placed under lawful arrest for  
the offense of DUI by Deputy Sheriff LE MARK SMITH and  
(Name of Arresting Officer)  
issued Citation # AEA7FIE

That on or about the TWENTY-FIRST day of April, 2021, at 4:01 PM  
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 (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 AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)**

The foregoing instrument was sworn and subscribed before me:

(AFFIX SEAL)  
The foregoing instrument was sworn and subscribed before  
me this 21st day of April, 2021  
by Cpl Smith  
who is personally known to me or who has produced

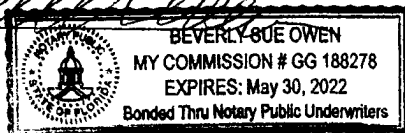
\_\_\_\_\_  
Signature of Attesting Officer

Title \_\_\_\_\_

Date \_\_\_\_\_

Notary Public M. Smith

HSMV-BAR1001 (REV. 10/2016)



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.

SCANNED  
APR 22 2021



**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)
<b>L/E Exemptions</b>	<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.	
<b>Public Info. Exemptions</b>	<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.	
<b>Florida Rules of Judicial Administration 2.420 (Rule of 23)</b>	<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"/>			
<b>Other</b>	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

**REVIEW COMPLETED BY**

Booking Number: 2021009693	Date: 04/21/2021
	Specialist Name/ID: T Howard/7185

SCANNED  
APR 22 2021