

J-0523989

21CT10056 ASB

3487



Arrest Report

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

NH

Report Date / Time 6/16/2021 10:07 PM	Report Number FHP99ARR841704	Case Number/Cad Number FHPL21OFF038808 / LWRC21CAD109063	Reporting Officer Name GONZALEZ, MARQUIS
Originating Agency ORI	Occur Date Time Range 06/16/2021 21:31:59 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description SR 9 SB EXIT RAMP TO HYPOLUXO RD
Street Number I-95 SB EXT RAMP	Apt/Lot/Bldg	City LAKE WORTH
State FL	Zip Code 33462	

Defendant

First Name OSCAR	Middle Name DAVID	Last Name LOPEZ	Suffix	Race HISPANIC C WHITE	Sex MALE	Height 511	Weight 511	Hair BLK	Eyes BRO
MNI #	SSN	Date of Birth 06/13/1993	Age 28	ID Type E	Drivers License or other ID L120644932130	State FL	OCA / Agency ID		
Place of Birth:	LONG ISLAND NY US								
Address * RESIDENCE / 820 MILLBRAE CT UNIT 7, WEST PALM BEACH, FL 33401 /									

Arrest

Arrest Date/Time 6/16/2021 9:53:32 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description SR 9 SB EXIT RAMP TO HYPOLUXO RD				
Street Number	Street	Apt/Lot/Bldg	County PALM BEACH	City LAKE WORTH	State FL	Zip Code 33462

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 June 16, 2021, at approximately 9:32P.M, the Lake Worth Regional Communications Center dispatched me to a single vehicle crash located at the State Road 9 (Interstate 95) southbound exit ramp to Hypoluxo Rd. LWRCC

Arrest Report

SCANNED

Page 1 of 4

JUN 17 2021

Dumg 692

Report Date / Time 8/16/2021 10:07 PM	Report Number FHP99ARR841704	Case Number/Cad Number FHPL21OFF038808 / LWRC21CAD109063	Reporting Officer Name GONZALEZ, MARQUIS
Originating Agency ORI Q	Occur Date Time Range 08/16/2021 21:31:59 -	Jurisdiction	Clearance

advised there were several witnesses that stated that this vehicle collided with the left inside concrete wall and continued traveling southbound on State Road 9. The witness also stated that the vehicle lost control again and eventually crashed again into the right outside guardrail of the State Road 9 southbound exit ramp to Hypoluxo Rd.

When I arrived on scene, the suspect vehicle, a gray Volkswagen Passat (Florida Tag: KFGG98) was located on the right outside shoulder with extensive front left side damage. I was able to locate the driver of the Passat getting assistance by Palm Beach Fire Rescue personal, and identified him as OSCAR, DAVID, LOPEZ through his Florida Driver License: L-120-644-93-213-0. I proceeded to conduct my crash investigation and began to ask Mr. Lopez what happened during the crash. Mr. Lopez advised me that as he was traveling southbound on State Road 9 in the outside center lane, an unknown vehicle traveled into his lane and collided with the right side of Mr. Lopez's vehicle.

After a thorough inspection around Mr. Lopez's vehicle, I could not locate any damage to the right side of the car that would indicate that a vehicle collided with his vehicle. As I continued to speak with Mr. Lopez, I immediately detected the odor of an unknown alcoholic beverage emitting from his breath as he talked. I also observed his eyes to be blood shot/ watery and his speech appeared to be slurred. Mr. Lopez continued to sway in an orbital motion when asked to stand next to me.

I proceeded to ask Mr. Lopez where he was coming from, and Mr. Lopez replied he was coming from downtown West Palm Beach. I proceeded to inform Mr. Lopez that I was finished conducting the crash investigation and I was now beginning a criminal investigation for DUI. I proceeded to ask Mr. Lopez if he had any alcoholic beverages to drink today. Mr. Lopez stated he had alcoholic beverages with friends, but he stopped at approximately 5 pm.

I proceeded to have Mr. Lopez walk to the front of my patrol car where I asked Mr. Lopez if he was willing to perform some series of voluntary Field Sobriety Exercises. Mr. Lopez stated that he does not want to perform anything until he has his lawyer present. I informed Mr. Lopez that if he refuses to perform the exercises, I will proceed with the criminal investigation for DUI, based solely on my interaction and observations with him. Mr. Lopez understood and refused to perform the exercises.

Arrest Report

Report Date / Time 6/16/2021 10:07 PM	Report Number FHP99ARR841704	Case Number/Cad Number FHPL21OFF038808 / LWRC21CAD109063	Reporting Officer Name GONZALEZ, MARQUIS
Originating Agency ORI	Occur Date Time Range 06/16/2021 21:31:59 -	Jurisdiction	Clearance

Due to the totality of circumstances and inability to operate a motor vehicle safely due to impairments, Mr. Lopez was placed under arrest for DUI at 9:53 P.M and his Miranda Rights were read, which he understood. I placed Mr. Lopez in the back of my patrol car and transported to the Palm Beach County Breath test center. Once I arrived, I conducted a 20-minute observation. At no time did he regurgitate or take anything by mouth. I then requested that he provide a sample of his breath which he refused. Florida Implied consent was read, and Mr. Lopez understood. Mr. Lopez refused to provide a breath sample again. Mr. Lopez was booked 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

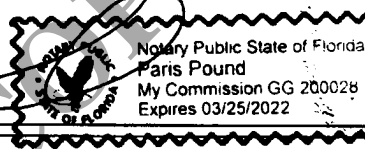
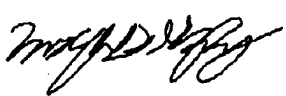
Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 07/15/2021 8:30AM	Court Fine
Comments			

Officer Name Rank / ID # GONZALEZ, MARQUIS TPR 4520	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPL1LWRCCIPALM BEACHBROW LN TO SR804
--	--	---

Report Date / Time 6/16/2021 10:07 PM	Report Number FHP99ARR841704	Case Number/Cad Number FHPL21OFF038808 / LWRC21CAD109063	Reporting Officer Name GONZALEZ, MARQUIS
Originating Agency ORI	Occur Date Time Range 06/16/2021 21:31:59 -	Jurisdiction	Clearance

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

Reporting Officer

Officer Name GONZALEZ, MARQUIS	Office Rank TPR	Officer ID No 4520	Sworn and subscribed before me, the undersigned authority This the <u>16</u> day of <u>JUNE</u> , <u>2021</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature 			
<input type="radio"/> No Bill / Petition <input type="radio"/> Issue Warrant <input type="radio"/> Prosecution Approved			
Signature of Assistant State Attorney			Date

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 16 day of June, 2021, at 9:53 ☒ P.M. ☐ A.M.

DRIVER OSCAR DAVID LOPEZ
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME
DL# L120644932130, state of FL, was placed under lawful arrest for

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

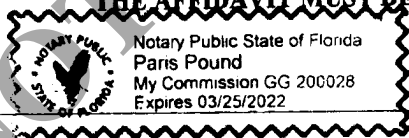
issued Citation # A7728EE

That on or about the _____ day of June, 20 21, at 22:52 ☒ 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 of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this 16 day of JUNE, 20 21,

by _____,

who is personally known to me or who has produced

_____ as identification.

Notary Public _____

HSMV-BAR1001 (REV. 10/2016)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated
Bureau of Administrative Reviews office,
Department of Highway Safety and Motor
Vehicles, with the driver's license, the
appropriate copy of the UTC, and the
probable cause affidavit.

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: LOPEZ, OSCAR D

DATE: Jun 16, 2021

BEGINNING TIME: 22:50

ENDING TIME: 22:58

CASE NUMBER: 21-076761

VIDEO DVD NUMBER: N/A

BREATH TESTS RESULTS: 1) R TIME 22:52 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 TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, TALKATIVE

CLOTHING: PINK SHORTS, GRAY T-SHIRT, GREEN / BLACK JACKET, BLACK SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: GLASSY AND BLOODSHOT

REFUSED

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 22:27 HRS.

SUBJECT: REFUSED TO TAKE TEST

A/O: READ I/C

SUBJECT: STATED HE UNDERSTOOD I/C AND REFUSED TO TAKE TEST

A/O: READ RIGHTS

SUBJECT: STATED HE UNDERSTOOD RIGHTS

A/O: CONDUCTED Q&A

SUBJECT: ANSWER QUESTIONS

REFUSED



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

PBSO CASE # 21-076761 AGENCY CASE# FHPL21OFF038808
AGENCY ZONE 6-21 CRASH CASE # _____
TIME OF STOP/CRASH 9:32P DATE 6/16/21 DAY WED
SUBJECT'S NAME OSCAR, DAVID, LOPEZ RACE WHITE SEX MALE
HGT 511 WGT 185LBS DOB 6/13/93
LOCATION SR 9 SB EXIT RAMP TO HYPOLUXO RD
ARRESTING OFFICER'S NAME & ID TPR. MARQUIS GONZALEZ 4519 AGENCY FHP
DIVISION: TROOP L
NOTIFIED BY COMMO Y
ARRIVAL AT FACILITY 22:27
ARREST TIME 9:53P
BREATH RESULTS:
1. _____
2. **REFUSED**
3. _____
4. _____
TESTING OFFICER'S ID 24639 PBSO VIDEOTAPE # N/A

SUBJECT: LOPEZ, OSCAR D

CASE NUMBER: 1A1221 @ FIC 3.308

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? to work

WHAT STREET OR HIGHWAY WERE YOU ON? 75

DIRECTION OF TRAVEL? → WHERE DID YOU START? at home

WHAT TIME DID YOU START? 7:00 WHAT TIME IS IT NOW? 7:15

WHAT IS TODAY'S DATE? 10/10/07 WHAT DAY OF THE WEEK IS IT? Wednesday

WHAT COUNTY AND CITY ARE YOU IN NOW? Alameda County, San Francisco

WHEN DID YOU LAST EAT? at 6:00 WHAT DID YOU EAT? chicken

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

HOW MUCH DO YOU WEIGH? 170 HAVE YOU BEEN DRINKING? Yes WHAT? beer

HOW MUCH? 2 WHERE? at home WITH WHOM? alone

WHEN DID YOU HAVE YOUR FIRST DRINK? at 5:00 AND YOUR LAST DRINK? at 7:00

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? at bar

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? 2

WHAT? beer WHERE? at home WHEN? at 7:00

WHAT LINE OF WORK ARE YOU IN? operator WHEN DID YOU LAST WORK? 10/10/07

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? No WHAT? None

ARE YOU SICK OR INJURED? No WHAT'S WRONG? None

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

WERE YOU IN AN ACCIDENT TODAY? Yes

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

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No WHO? None WHY? None

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? No WHAT? None WHEN? None

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>

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? contacts

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION? None

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

INTERVIEWER: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

SUBJECT: LOPEZ, OSCAR D CASE NUMBER: FHP 21 OFF 038808

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 TRP. Invalde of the 1st

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S SIGNATURE: (X) READ ON CAMERA

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X) READ ON CAMERA



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<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"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2021014728	Date: 6/17/2021
	Specialist Name/ID: M. Tooks #8557