

Arrest Report

FLORIDA HIGHWAY PATROL
P.O. BOX 16007, LAKE WORTH, FL 33416

0531435

#1357

FHP K

Report Date / Time 5/7/2022 11:25 PM	Report Number FHP99ARR795411	Case Number/Cad Number FHP22ON0231057 / RCC22IN0338551	Reporting Officer Name DEVIS, M.
Originating Agency ORI FL0509000	Occur Date Time Range 05/07/2022 21:05:38 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description STATE ROAD-91 (FLORIDA'S TURNPIKE) SB MM 100			
Street Number	Street FLORIDA'S TURNPIKE	Apt/Lot/Bldg	City UNINCORPORATED	State FL	Zip Code 33417

Defendant

First Name OSVALTON	Middle Name SIMOES	Last Name FERREIRA	Suffix	Race WHITE	Sex MALE	Height 505	Weight 200	Hair BRO	Eyes BRO
MNI #	SSN	Date of Birth 09/20/1970	Age 51	ID Type	Drivers License or other ID NONE	State FF	OCA / Agency ID		
Place of Birth:		FF BRAZIL							
Address * RESIDENCE / 13467 TEMPLE BLVD , WEST PALM BEACH, FL 33420 /									

Arrest

Arrest Date/Time 5/7/2022 10:20:40 PM	Arrest Location Type OTHER	Arrest Location Description STATE ROAD-91 (FLORIDA'S TURNPIKE) SB MM 100				
Street Number	Street FLORIDA'S TURNPIKE	Apt/Lot/Bldg	County PALM BEACH	City UNINCORPORATED	State FL	Zip Code 33417

Charge : S

Counts 1	Charge 316.193.1a	Bond Amount \$0.00	☐ No Bond
Charge Degree S	Charge Level MISDEMEANOR		
General Offense Code	Arrest Offense Code DUI-UNLAW BLD ALCH		
Charge Description DUI INFLUENCE OF ALCOHOL OR DRUGS			
Bond Set by Court			
Bond Amount	☐ No Bond		
Bond Type(s)			

Probable Cause

Arrest Report

SCANNED

MAY 09 2022

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MAY 8 AM 4:17

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On Saturday, May 7, 2022, at approximately 9:06 P.M, Lake Worth Regional Communications Center (LWRCC) received a call for a Bolo (be on the lookout) on a white Van traveling southbound mile-marker 116 (all over the road/ unable to maintain lane/ various rate of speed 40-80mph, almost colliding with other vehicles) on State Road-91 (Florida's Turnpike), in Palm Beach county. Shortly after, another call was received again around mile-marker 112 and the 109, for the same discription, following the same driving patterns. I, Trooper (Tpr.) Miljen Devis (ID#1396) was stationary at mile-marker 103 uturn slot. Tpr. Craig James (ID#1680) was stationary southbound 103 mile-marker. The caller (witness), later identified by his Florida's drivers license as (Corey Deshawn Robinson, FL DL #R-152-104-77-021-0, D.O.B 1/27/1977) was asked to turn on their emergency hazard lights to have a better visual for when the bolo'd vehicle passes. Tpr. James had visual and proceeded behind the bolo'd vehicle to conducted his own observations of driving patterns. Tpr. James conducted a traffic stop on a tan Chrysler Town and Country van bearing Florida's tag (15BGBI), southbound mile-marker 100 on the right paved shoulder (**Refer to Tpr. James video**). I arrived shortly after.

I made a driver's side approach as Tpr. James was already on the passenger side. Through the driver's side rear window, I could observe two Busch beers in a light blue cooler behind the driver's seat and a Egg Nog liquor. The driver (defendant), later identified through his Brazil license as (Osvailton Simoes Ferreira, D.O.B 9/20/1970, license #1209492626)(unknown if its valid) advised that he didnt speak English and that he speaks Portuguese. I request a translator through LWRCC. None was available. I attempted to speak to the defendant in Spanish. The defendant still didn't completely understand. I asked the defendant for his driver's license. He advised, no license. When I asked for registration, the defendant stated "Title." I observed the defedants eyes to be bloodshot and glassy. I would also detect an unknown odor of an alcholic beverage emitting from the vehicle. I informed the defendant to look for the title of the vehicle to which he started to look into the glove compartment. While the defendant was looking for the title, Tpr. James remained at the passengers doors as I went to my patrol vehicle to look for a device to assist with translating. As I walked back to the defendant's vehicle. I observe that the defendant step out of the vehicle. Now since he was already out, I informed the defendant to walk towards the back of the vehicle. As he's walking, I observed his belt unbuckled, pants unzipped and hanging below his waist, clothes disheveled. Due to language barrier, I request the defendant to write his name on a paper. I couldn't understand his handwriting so I asked the defendant if he had a debit/credit that has his name written on it. I would speak in English and repeat in it Spanish. I could see that he slightly understood what I was asking for him to complete. During the time he was trying to write his name, I observed that he would sway and lose his balance (**Refer to Tpr. James patrol vehicle video**). Throughout the whole interaction outside of the defendant's vehicle. I could smell and unknown odor of an alcoholic beverage emitting from his breathe as he speaks.

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I used a translating device to communicate with the defendant for Field Sobriety Task (FST's)

Horizontal Gaze Nystagmus (HGN):

The first task, I had the defendant perform was the (Horizontal Gaze Nystagmus) Task. For the task. The defendant was asked if he wears glasses or wear contacts, he stated, "no." I then explained the task to the defendant and then began to perform the exercise. During the instruction phase, I asked the defendant if he understood all my direction, he stated, "yes." As I made my first pass to the left and back to the right, I was checking the defendant's eyes for Equal Tracking, Pupil Size, and Resting Nystagmus. Then I checked for Lack of Smooth Pursuit, I observed the defendant had Lack of Smooth Pursuit Distinct in both eyes. I then checked for Distinct and Sustained Nystagmus at Maximum Deviation. I observed them on both eyes. The last one was Onset of Nystagmus Prior to 45 Degrees. I observed them on both eyes. There was no resting or vertical nystagmus that I could observe through the vertical gaze nystagmus exercise. (Note: I had to inform the defendant numerous times not to move his head, the defendant would continuously move his head entirely, I asked the defendant to give me a thumbs up if he understood what I am asking of him and he responds with a thumbs up). The defendant could not perform the task.

Walk and Turn (WAT):

I asked the defendant if he's willing to perform the next task to provide a thumbs up. The defendant agreed. On the second task (Walk and Turn), I explained to the defendant how to properly perform the task as well as I demonstrated myself how to perform the task to the defendant. I set down a yellow visible tape strip on the ground. During every explanation, I asked the defendant if he understood and to provide a thumbs up to show he understood, he did. (Note: On the first pass he made it to 12 step, gap in between every step, stopped, looked at me, on the walk back he took 11 steps, lost his balance/ Improper turn, paused to find out what to do next/ On the walk back stopped at number 11). The defedant could not perform task.

One Leg Stand (OLS):

For the last task (One Leg Stand), I explained to the defendant how to properly perform this task as well as demonstrated myself to the defendant on how to properly perform the task. The defendant advised he understood the task by giving a thumbs up. During every explanation, I asked the defendant if he understood, he stated, "yes." Once he began, the foot he raised was his right foot. I did the task with the defendant. (Note: I notice the defendant would sway/ He placed his raised foot down several times before being informed to stop, and lose his balance). The defendant could not perform the task.

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At approximately 10:20 P.M, based on the totality of circumstances, I determined that there was probable cause to believe that the defendant, committed the offense of driving under the influence of alcohol beverages or chemical substances by being in actual physical control/operating a motor vehicle as set forth in Florida Statute 877.111, or a controlled substances as set forth in Florida Statute 893 or any combination thereof, and was affected to the extent that her normal faculties were impaired, contrary to Florida Statute 316.193(1) and was taken into custody without incident. I placed the defendant under arrest in handcuff and double locked.

At approximately 10:57 P.M, I transported the defendant to the Palm Beach county jail. At approximately 11:13 P.M, I arrived at the Palm Beach county jail, where I conducted a 20-minute observation on the defendant where he did not drink, ingest, or regurgitate any foreign objects. I used my translating device to read implied consent off camera at approximately 12:10 A.M, on May 8th 2022, due to no devices allowed in the breatherlyzer room. The defendant refused, and a refusal time was called at 12:18 A.M on camera, on May 8th 2022.

Sister's towing took possession of the vehicle.

All of the above event occurred in Palm Beach county.

Note: My patrol vehicle is equipped with in car audio that is available upon request

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 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time 6/16/22 8:30A	Court Fine
Comments			

Officer Name
Rank / ID #

Involvement On Report /
Reporting Role

Officer Agency
Org/Unit

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DEVIS, M. TPR	4434	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPKILWRCC\WPB\SR91 73-88
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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 DEVIS, M.	Office Rank TPR	Officer ID No 4434	Sworn and subscribed before me, the undersigned authority This the _____ day of _____, _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature <i>M. Davis</i>			

☐ No Bill / Petition
 ☐ Issue Warrant
 ☐ Prosecution Approved

Signature of Assistant State Attorney

Date



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

PBSO CASE # 22-065114 PBSO ZONE 3-23

AGENCY CASE # FHP220N0231057 CRASH CASE # NO

TIME OF STOP/CRASH 9:18 PM DATE 5/7/2022 DAY SATURDAY

SUBJECT'S NAME OSVALTON SIMOES FERREIRA RACE W SEX M

HGT 5'5 WGT 200 DOB 9/20/1970

LOCATION STATE ROAD -91 (FLORIDA'S TURNPIKE) SB MM 100

ARRESTING OFFICER'S NAME & ID MILJEN DEVIS 4434/1396 AGENCY FHP

DIVISION: _____

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 11:13 PM

BREATH RESULTS:

Arrest Time 10:20 PM

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

TESTING OFFICER'S ID 8656

SUBJECT: Ferreira, Osvalton Simoes 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 determining 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 refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law.

Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING.

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS SIGNATURE: (X) Read Through Translation App.

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) NOT Read due to Language barrier

SUBJECT: Ferreira, Osvailton Simoes CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

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

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

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

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

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE: EPILEPSY? _____
 GLASS EYE? _____
 FALSE TEETH? _____
 EAR INFECTION? _____
 INNER EAR TROUBLE? _____
 DIABETES? _____

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

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

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

INTERVIEWER: Tpr. M. Davis # 4434/1396

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

I, DEVIS, M., a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of FLORIDA HIGHWAY PATROL, and I do swear

(Name of Law Enforcement Agency)
or affirm that on or about the 7 day of MAY, 2022, at 10:20 ☒ P.M. ☐ A.M.

DRIVER OSVAILTON SIMOES FERREIRA
FIRST NAME: MIDDLE OR MAIDEN NAME: LAST NAME:

DI.# 1209492626, state of FF, was placed under lawful arrest for

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

issued Citation # A76LH9E

That on or about the 8th day of MAY, 20 22, at 12:18 ☐ 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, or if he or she had been previously fined under s. 327.35215, F.S., 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, or if he or she has been previously fined under s. 327.35215, F.S., 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 Commercial Driver's License (CDL), or was operating a commercial motor vehicle, refusal will result in the disqualification of the CDL 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.

M. Davis

Signature of Law Enforcement Officer or Correctional Officer

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

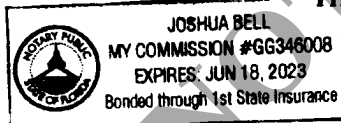
The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

MAY



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before

me this 08 day of MAY, 20 22,

by Trooper Devis,

who is personally known to me or who has produced

known as identification.

Notary Public

HSMV-BAR1001 (REV. 09/2021)

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-K

SUBJECT: FERREIRA, OSVALTON SIMOES

CASE NUMBER: 22-065114

DATE: May 8, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0016

ENDING TIME: 0018

BREATH TESTS RESULTS: 1) R TIME 0018 A.M. ☒ P.M. ☐ 2) XX TIME XX A.M. ☐ P.M. ☐

REFUSED

3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: JOSHUA J BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SUBJECT ONLY SPOKE PORTUGUESE

ATTITUDE: COOPERATIVE

CLOTHING: YELLOW POLO SHIRT, BLACK JEANS, BLACK SHOES

MEDICAL CONDITIONS: UNKNOWN

MEDICATIONS: UNKNOWN

OTHER:

EYES: BLOODSHOT, GLASSY

COMMENTS:

A/O ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 2313 HOURS

SUBJECT DOES NOT SPEAK ENGLISH ONLY PORTUGUESE

DUE TO ELECTRONICS NOT BEING ALLOWED IN THE TESTING ROOMS A/O REQUESTED A BREATH SAMPLE OFF CAMERA USING A TRANSLATION APP ON HIS PHONE.

SUBJECT REFUSED

A/O READ I.C THROUGH TRANSLATION APP ON HIS PHONE

A/O AGAIN REQUESTED A BREATH SAMPLE USING TRANSLATION APP

SUBJECT AGAIN REFUSED

VIDEO STARTED

EVERYTHING MENTION ABOVE WAS STATED ON CAMERA

A/O CALLED A REFUSAL AT 0018 HOURS

RIGHTS NOT READ DUE TO LANGUAGE BARRIER / Q AND A NOT CONDUCTED

REFUSED