

0579006

20CP 8261

2956

ARREST / NOTICE TO APPEAR  
Juvenile Referral Report

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

1 Juvenile N

ADMINISTRATIVE	OBTS Number		Agency ORI Number <b>FLO 502600</b>		Agency Name <b>PALM BEACH GARDENS POLICE DEPARTMENT</b>		Agency Report Number (N.T.A.'s only) <b>78- 20004515</b>	
	Charge Type: Check as many as apply. <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		<input checked="" type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		Weapon Seized / Type 2 1. Yes 2. No	
	Location of Arrest (Including Name of Business) <b>CATALINA LAKES BLVD/ALT A1A, PBG, FL</b>				Location of Offense (Business Name, Address) <b>ALT A1A/BURNS RD, PBG, FL</b>			
	Date of Arrest <b>10/09/2020</b>		Time of Arrest <b>22:55</b>		Booking Date		Booking Time	
DEFENDANT	Name (Last, First, Middle) <b>RODRIGUES, RICHARD, EARL</b>							
	Alias (Name, DOB, Soc. Sec. #, Etc.)							
	Race W - White I - American Indian B - Black O - Oriental/Asian		Sex W M		Date of Birth <b>06/22/1987</b>		Height <b>5'10</b>	
	Weight <b>240</b>		Eye Color <b>BRO</b>		Hair Color <b>BRO</b>		Complexion <b>MED</b>	
	Build <b>LARGE</b>		Scores, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A		Marital Status <b>SINGLE</b>		Religion <b>NONE</b>	
	Local Address (Street, Apt. Number) <b>405 COLUMBUS ST, SEBASTIAN, FL 32958</b>		City (State) (Zip)		Phone <b>(772) 321-5957</b>		Indication of: Alcohol Influence Drug Influence	
	Permanent Address (Street, Apt. Number) <b>405 COLUMBUS ST, SEBASTIAN, FL 32958</b>		City (State) (Zip)		Phone		Residence Type: 1. City 2. County 3. Florida 4. Out of State	
	Business Address (Name, Street)		City (State) (Zip)		Phone		Address Source <b>FL DL</b>	
	D/L Number, State <b>R362745872220 FL</b>		Soc. Sec. Number		INS Number		Place of Birth (City, State) <b>WEST PALM BEACH, FL</b>	
	Citizenship <b>US</b>		Co-Defendant Name (Last, First, Middle)		Race Sex		Date of Birth	
CO-DEF	Co-Defendant Name (Last, First, Middle)		Race Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	
	Co-Defendant Name (Last, First, Middle)		Race Sex		Date of Birth		<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile	
	Parent Legal Custodian Other:		Name (Last) (First) (Middle)		Residence Phone			
	Address (Street, Apt. Number)		City (State) (Zip)		Business 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	Charge Description <b>DRIVING UNDER THE INFLUENCE</b>		Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number <b>316.193(1)(A)</b>	
	Drug Activity <b>N</b>		Drug Type <b>N</b>		Amount / Unit		Offense #	
	Warrant / Capias Number		Bond					
	Charge Description <b>POSSESSION OF COCAINE</b>		Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number <b>893.13(6)(A)</b>	
Drug Activity <b>P</b>		Drug Type <b>C</b>		Amount / Unit <b>1 GR</b>		Offense #		
Warrant / Capias Number		Bond						
Charge Description <b>POSSESS CANNABIS UNDER 20 GR</b>		Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number <b>893.13(6)(B)</b>		
Drug Activity <b>P</b>		Drug Type <b>M</b>		Amount / Unit <b>5 GR</b>		Offense #		
Warrant / Capias Number		Bond						
Charge Description <b>Refuse to Sign Citation</b>		Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number <b>318.H(3)</b>		
Drug Activity <b>N</b>		Drug Type <b>N</b>		Amount / Unit		Offense #		
Warrant / Capias Number		Bond						
NOTICE TO APPEAR	Location (Court Room Number, Address) <b>TO BE SET</b>							
	Court Date and Time Month Day Year Time AM PM							
	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 <b>10/09/2020</b>							
Signature of Defendant (or Juvenile and Parent /Custodian)				Date Signed				
HOLD for other Agency Name:		Signature of Arresting Officer <b>ANDREW FLINK 514</b>		Name Verification (Printed by Arrestee) (PRINT)				
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:		Name of Arresting Officer (Print) <b>Ofc. ANDREW FLINK 514</b>		I.D. #		
Intake Deputy <b>SPANG</b>		Transporting Officer <b>ANDREW FLINK</b>		ID # <b>514</b>		Agency <b>PBPGD</b>		
Witness here if subject signed with an "X"						PAGE <b>1 OF 1</b>		

DISTRIBUTION: WHITE - COURT/COPY  
OCT 10 2020

GREEN - STATE ATTORNEY

YELLOW - AGENCY

PINK - AGENCY

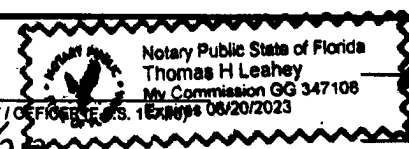
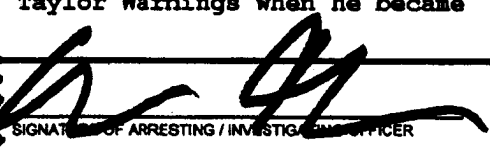
GOLD - DEFENDANT (N.T.A.'s ONLY)

PROBABLE CAUSE AFFIDAVIT

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

1

JUVENILE

A D M I N I S T R A T I V E	OBTN Number		Agency ORI Number <b>FL 0502600</b>		Agency Name <b>PALM BEACH GARDENS POLICE</b>		Agency Report Number <b>7   8   20-004515</b>		
	Charge Type: Check as many as apply. <input checked="" 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		Special Notes:		
D E F E N D E N T	Name (Last, First, Middle) <b>RODRIGUES, RICHARD EARL</b>				Alias		Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>06/22/1987</b>
	Charge Description <b>316.193(1)(A) DUI - DRIVING UNDER THE INFLUENCE/NORMAL</b>		Charge Description <b>893.13(6)(A) DRUGS - CONTROLLED SUBST W/O PRESCRIP</b>		Charge Description <b>893.13(6)(B) DRUGS - POSSESS MARIJUANA NOT MORE TH</b>		Charge Description <b>318.14(3) CITATION - REFUSE TO SIGN/ACCEPT CITATIO</b>		
V I C T I M	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		
P R O B A B L E C A U S E S T A T E M E N T	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 ... <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. <input type="checkbox"/> confessed to _____ admitting to the below facts. <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation. On the <u>9</u> day of <u>October</u> , <u>2020</u> at <u>22:40</u> (Specifically include facts constituting cause for arrest.)								
	On 10/09/2020, at approximately 2240 hours, this Officer arrived in the area of Catalina Lakes Blvd and Alt A1A, PBG, FL, to assist Ofc Luciano 478 on a traffic stop. Body worn camera and in car video were used.								
	Ofc Luciano advised he paced the vehicle, Chevrolet pick-up (JHQU22/FL) at 62 MPH in a posted 45 MPH zone. Ofc Luciano further said the vehicle also drifted over the traffic line twice. This Officer made contact with the driver and sole occupant of the vehicle, identified via Florida Driver License photo, Richard Rodrigues (SU), while he was still in actual physical control of the vehicle. Rodrigues had watery eyes, slurred speech, flushed face and the obvious odor of an unknown alcoholic beverage emanating from his breath at conversational distance. Rodrigues admitted to consuming two drinks with dinner earlier.								
	Based on this Officer's observations, Rodrigues was asked to participate in Standardized Field Sobriety Exercises, to which he complied. Rodrigues mentioned a left leg injury which was accomodated for during the exercises.								
	The first exercise conducted, was the Horizontal Gaze Nystagmus. The stimulus used, was a Streamlight Stylus with an illuminated red light. This Officer observed lack of smooth pursuit in both eyes. This Officer also observed sustained involuntary jerking in both eyes at maximum deviation, as well as the on set of Nystagmus prior to 45 degrees in both eyes. Rodrigues was swaying back and forth throughout the exercise.								
	The next exercise conducted, was the Walk and Turn. The line used, was a strip of yellow tape placed upon the sidewalk by this Officer. Rodrigues claimed to not be able to walk a straight line, even though earlier in the investigation he said he could. This Officer also had to advised Rodrigues of his Taylor Warnings when he became non-compliant.								
	SWORN AND SUBSCRIBED BEFORE ME								
	 NOTARY PUBLIC / CLERK OF COURT / OFFICER OF S. 1		SIGNATURE OF ARRESTING / INVESTIGATING OFFICER 		<b>FLINK, ANDREW S (514)</b> NAME OF OFFICER (PLEASE PRINT)		<b>10/10/2020</b> DATE		PAGE <b>1 of 2</b>

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED  
OCT 10 2020

PROBABLE CAUSE AFFIDAVIT  
SUPPLEMENT

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

1 JUVENILE

OSTB Number

Agency ORI Number  
**FL 0502600**

Agency Name  
**PALM BEACH GARDENS POLICE**

Agency Report Number  
**7 | 8 | 20-004515**

Charge Type:  
Check as many as apply.  
 1. Felony  
 2. Traffic Felony  
 3. Misdemeanor  
 4. Traffic Misdemeanor  
 5. Ordinance  
 6. Other

Special Notes:

Name (Last, First, Middle)  
**RODRIGUES, RICHARD EARL**

Race: **W** Sex: **M** Date of Birth: **06/22/1987**

The next exercise conducted, was the One-Leg Stand. During the exercise, Rodrigues raised his left leg. During the exercise, Rodrigues repeatedly raised his arms more than six inches from his sides. Rodrigues also placed his foot down multiple times and began to question the exercise while he was participating.

The next exercise conducted, was the Romberg Balance. During the exercise, this Officer observed eyelid tremors in both eyes. Rodrigues estimated the passage of 30 seconds in approximately 38 seconds. Rodrigues began to count aloud, even after being instructed to do so silently. Rodrigues also brought his arms behind his back rather than keeping them at his sides.

The final exercise conducted, was the Finger to Nose. During the first two commands, Rodrigues touched above the tip of his nose and had to be told to lower his hand after each attempt. The third attempt, Rodrigues touched under the tip of his nose and again had to be told to lower his hand. The next two attempts, Rodrigues touched above the tip of his nose and on the final command, touched below the tip of his nose.

Based on this Officer's observations, Rodrigues was placed under arrest at 2255 hours. During a search of the vehicle, incident-to-arrest, contraband items were discovered. In the center console, directly next to where Rodrigues was sitting and well within his physical control, this Officer discovered a clear plastic baggy containing a green leafy substance. The substance had the distinct odor of Cannabis. The substance later field tested positive as such. Ofc Luciano then discovered a clear plastic baggy, in the cup holder of the center console, which contained a white powdery substance. The substance later field tested positive as Cocaine. Ofc Sheobo 524 took custody of both items and booked them into property.

At the PBSO BAT, this Officer requested Rodrigues to provide a breath sample for the purpose of determining its alcohol content, to which he requested a lawyer. This Officer read Florida Implied Consent to Rodrigues three times, to which he continued asking for a lawyer then refused to comply at 0022 hours. Rodrigues refused to sign his criminal citation after being told doing such is unlawful.

Based on the results of the investigation, this Officer has probable cause to prove Richard Rodrigues operated a motor vehicle, in the state of Florida, while under the influence of alcohol, in violation of FSS 316.193(1) (A). Rodrigues was also found to be in possession of two banned substances, in violation of both 893.13(6) (A) and 893.13(6) (B). Rodrigues knowingly refused to sign a criminal citation, in violation of FSS 318.14(3).

SWORN AND SUBSCRIBED BEFORE ME  
*T Lealey*  
NOTARY PUBLIC / CLERK OF COURT / OFFICER  
10/10/20  
DATE  
Notary Public State of Florida  
Thomas H Lealey  
F.S.S. Commission GG 347108  
Expires 08/20/2023  
*[Signature]*  
SIGNATURE OF ARRESTING / INVESTIGATING OFFICER  
**FLINK, ANDREW S (514)**  
NAME OF OFFICER (PLEASE PRINT)  
10/10/2020  
DATE



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

PBSO CASE # 20-115185 PBSO ZONE 3-13

AGENCY CASE # 20004515 CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 2230 DATE 10/09/2020 DAY FRIDAY

SUBJECT'S NAME RODRIGUES RICHARD EARL RACE W SEX M  
LAST FIRST MID

HGT 5'10 WGT 240 DOB 06/22/1987

LOCATION ALT A1A/BURNS RD, PBG, FL

ARRESTING OFFICER'S NAME & ID Ofc. ANDREW FLINK 514 AGENCY PBSPD

DIVISION: TRAFFIC UNIT

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 2357

ARREST TIME 22:55

BREATH RESULTS:

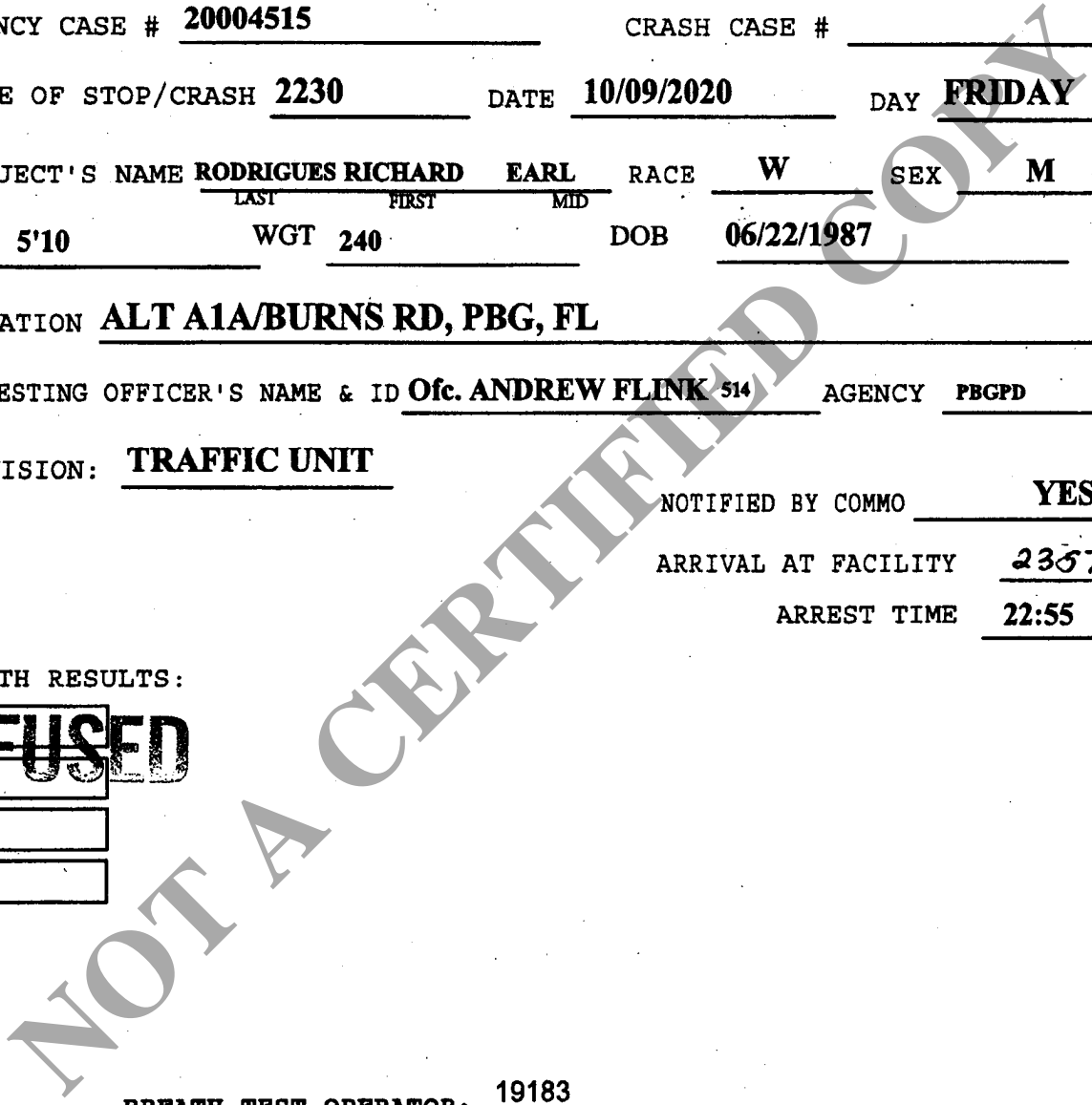
**REFUSED**

2) - \_\_\_\_\_

3) - \_\_\_\_\_

4) - \_\_\_\_\_

BREATH TEST OPERATOR: 19183



# TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: Rodrigues, Richard E

CASE NUMBER: 20-115185

DATE: 10/10/2020

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0019

ENDING TIME: 0022

BREATH TESTS RESULTS: 1) R TIME 0022 A.M.  P.M.  2) n/a TIME 0 A.M.  P.M.   
3) n/a TIME 0 A.M.  P.M.  4) n/a TIME 0 A.M.  P.M.

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: slurred, thick

ATTITUDE: agitated, fidgety, talkative

CLOTHING: tan shorts, lt blue t-shirt, black sneakers

MEDICAL CONDITIONS: asthma

MEDICATIONS: none today

## OTHER:

eyes are glassy & bloodshot  
odor of unknown alcoholic beverage on breath  
subject kept asking for counsel the whole time in testing room

**REFUSED**

## COMMENTS:

arrived at center A/O conducted 20 minute observation period at 2357 hrs.

subject refused to perform breath test

A/O read I/C 3X & subject talked over A/O - I don't understand

subject refused to perform breath test

A/O did not read rights & subject kept repeating I want my lawyer

A/O did not attempt Q&A

subject invoked right to counsel

**REFUSED**

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

I, Ofc. ANDREW FLINK, a duly certified Law Enforcement Officer or Correctional Officer,  
(Name of Officer reading Implied Consent Warning)

am a member of Palm Beach Gardens Police Department, and I do swear  
(Name of law enforcement agency)

or affirm that on or about the 09TH day of OCTOBER, 20 20, at 22:55  P.M.  A.M.

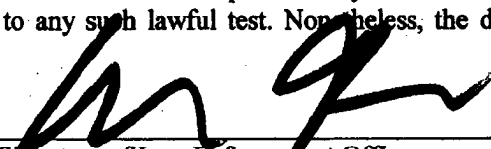
DRIVER RICHARD EARL RODRIGUES  
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# R362745872220, state of FL, was placed under lawful arrest for  
the offense of DRIVING UNDER THE INFLUENCE by Ofc. ANDREW FLINK and  
issued Citation # A56HCXE  
(Name of Arresting Officer)

That on or about the 10TH day of OCTOBER, 20 20, at 0022  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)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before  
me this 10TH day of OCTOBER, 20 20,

by Ofc. ANDREW FLINK,

who is personally known to me or who has produced  
Personally Known as identification

Notary Public 

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.







**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"/>			
Other	<input type="checkbox"/>	F.C. Art. 1, Sect 16	Other: Marsy's Law	
	<input type="checkbox"/>	119.071(2)(M)	Other: Personal identifying information of a witness to a murder.	

**REVIEW COMPLETED BY**

Booking Number: 2020023945	Date: 10/10/2020
	Specialist Name/ID: VARGO/6665