

22 CT 4078 NB

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile N	
Agency ORI Number FLO 5 0 2 6 0 0		Agency Name PALM BEACH GARDENS POLICE DEPARTMENT				Agency Report Number 78 - 22001331					
Charge Type: Check as many as apply.		☐ 1. Felony ☐ 2. Traffic Felony		☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other		Weapon Seized / Type 2 1. Yes 2. No		Multiple Clearance Indicator	
Location of Arrest (Including Name of Business) Alternate A1A/PGA Pass PBG, FL						Location of Offense (Business Name, Address) Alternate A1A/ Burns Rd PBG, FL					
Date of Arrest 03/14/2022		Time of Arrest 01:06		Booking Date		Booking Time		Jail Date		Jail Time	
Location of Vehicle											
Name (Last, First, Middle) Le, Than, Ai											
Alias (Name, DOB, Soc. Sec. #, Etc.)											
Race W - White 1 - American Indian B - Black 0 - Oriental/Asian		Sex W		Date of Birth 08/15/1980		Height 5'4"		Weight 110		Eye Color Brown	
		M						Black		Complexion Light	
										Build Small	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) None						Marital Status Married		Religion None		Indication of: Alcohol Influence Drug Influence Y ☐ N ☐ Unk. ☐	
Local Address (Street, Apt. Number) 12321 Acapulco Ave				(City) Palm Beach Gardens		(State) FL		(Zip) 33410		Phone (860) 816-1016	
Permanent Address (Street, Apt. Number) 12321 Acapulco Ave				(City) Palm Beach Gardens		(State) FL		(Zip) 33410		Address Source FL DL	
Business Address (Name, Street)				(City)		(State)		(Zip)		Occupation	
D/L Number, State L000801802950 FL				Soc. Sec. #		INS Number		Place of Birth (City, State) Vietnam		Citizenship VT	
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile	
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 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 ☐ defendant and / or ☐ 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. ☐ Yes, by: (Name) ☐ No: (Reason)								School Attended		Grade	
Property Crime? ☐ Yes ☐ 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/A		Amount / Unit		Offense #		Statute Violation Number 316.193(1)(C)		Violation of ORD #		Bond	
Charge Description DUI - Breath Above .08		Counts 1		Domestic Violence ☐ Y ☐ N		Statute Violation Number 316.193(4)		Violation of ORD #		Bond	
Charge Description DUI - Breath Above .15		Counts 1		Domestic Violence ☐ Y ☐ N		Statute Violation Number		Violation of ORD #		Bond	
Charge Description		Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number		Violation of ORD #		Bond	
Charge Description		Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number		Violation of ORD #		Bond	
Charge Description		Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number		Violation of ORD #		Bond	
NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700											
Court Date and Time Month April Day 13 Year 2022 Time 10:00 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											
03/14/2022											
Signature of Defendant (or Juvenile and Parent /Custodian)											
Date Signed											
HOLD for other Agency Name:				Signature of Arresting Officer James Lovett				Name Verification (Printed by Arrestee) James Lovett			
☐ Dangerous ☐ Suicidal				☐ Resisted Arrest ☐ Other:				(PRINT)			
Intake Deputy Spann E.D.				I.D. # 523				Pouch #			
Transporting Officer James Lovett				ID # 523				Agency PBGPD			
Witness here if subject signed with an -X"											
1 OF 1											

DISTRIBUTION: WHITE - COURT COPY

GREEN - STATE ATTORNEY

YELLOW - AGENCY

PINK - AGENCY

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

0530107

3409

D.U.I. PROBABLE CAUSE AFFIDAVIT

On the 14 day of March 2022 at 0049 ☒ AM ☐ PM

Subject: Le, Than, Ai Case Number: 22001331

Agency: PALM BEACH GARDENS POLICE DEPARTMENT Arresting Officer: James Lovett 523

PERSONAL CONTACT

DRIVING PATTERN: (Actual Physical Control; Physical Evidence or Statements Putting Defendant Behind Wheel of Vehicle)

Ofc. Andrew Flink (#514) initiated a traffic stop on a black Mercedes Benz bearing FL tag IM58SS. Prior to the stop, Ofc. Flink observed the vehicle stopped at a solid green traffic signal. Ofc. Flink then observed the vehicle travelling northbound on Alternate A1A drifting within the lane and braking excessively for no reason. While Ofc. Flink had his emergency lights activated, the vehicle continued travelling northbound and stopped under the PGA Pass. Ofc. Flink made contact with the driver and sole occupant of the vehicle Than Le, identified by his FL driver's license. While Ofc. Flink was at the driver's window, the vehicle reversed into Ofc. Flink's marked patrol vehicle. It is noted that no damage occurred to either vehicle as a result of this collision.

OBSERVATION OF DRIVER:

I arrived on scene and made contact with Le, who Ofc. Flink had step out of the vehicle. I observed Le's eyes to be bloodshot and glassy. He also stood up off the curb he was seated on and stumble to his left side. I informed Ofc. Flink of what I observed and based on Ofc. Flink's involvement in the collision, he turned the traffic stop over to me for a DUI investigation.

DRIVER STATEMENTS:

Le repeatedly stated he wanted to go home to his wife.

ODORS: The odor of an unknown alcoholic beverage emitting from his breath at a conversational distance

GENERAL OBSERVATIONS

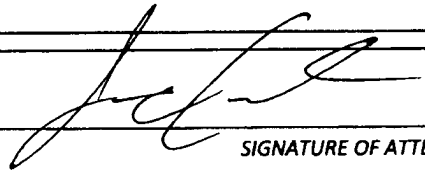
SPEECH: Spoke only Vietnamese

ATTITUDE: Compliant

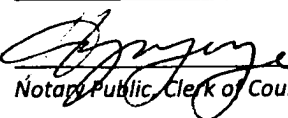
CLOTHING: Casual

MEDICAL/OTHER: None

STATE OF FLORIDA
COUNTY OF PALM BEACH


SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 14 day of March 2022 by James Lovett 523 who is ☒ personally known to me or ☐ produced

 PB50 37928
Notary Public, Clerk of Court, Officer (FSS 117.10)

FILED
MAR 14 2022
CIRCUIT & COUNTY COURTS
(CRIMINAL DIV.)

D.U.I. PROBABLE CAUSE AFFIDAVIT Cont.

Subject: Le, Than, Ai

Case Number: 22001331

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LEFT EYE

- ☒ Lack of Smooth Pursuit
- ☒ Distinct & Sust. Nystag. at Max. Deviation
- ☒ Onset of Nystagmus Prior to 45 Degrees

RIGHT EYE

- ☒ Lack of Smooth Pursuit
- ☒ Distinct & Sust. Nystag. at Max. Deviation
- ☒ Onset of Nystagmus Prior to 45 Degrees

Other Observations:

During the task, Le stated he understood all instructions. Le anticipated the stimulus' movement, looked away from the stimulus, and moved his head during the task.

Walk and Turn



During the task, Le stated he understood all instructions. Le had difficulty assuming and maintaining the instruction position. During his first sequence of steps, Le took 12 steps and he missed heel to toe on nearly every step. He then made an improper turn. During his second sequence of steps, he took 13 steps, missed heel to toe on nearly every step, and stepped off the line once.

One Leg Stand



During the task, Le stated he understood all instructions. During the task, he started too soon, put his foot down, and used his arms for balance.

During the SFST's I utilized Palm County Sheriff's Office Deputy Nguyen (#37928) for translation

BREATH RESULTS: 1) .185 @ 0241 2) .190 @ 0244 3) _____ @ _____ 4) _____ @ _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 14 day of March 20 22 by James Lovett 523 who is ☒ personally known to me or ☐ produced _____

[Signature] PB50 37928
Notary Public, Clerk of Court, Officer (FSS 117.10)

STAMP

DUI WITNESS LIST

22001331

Arresting Officer: James Lovett 523 Email: JLovett@PBGFL.com
Agency Address: 10500 N. Military Trl. PBG, FL Phone: (561) 799-4445
Can Testify To: Investigation

Backup Officers: Ofc. Andrew Flink (#514)
Agency Address: 10500 N. Military Trl. PBG, FL Phone: (561) 799-4445
Can Testify To: Traffic Stop and Driver Interaction

Crash Investigator: _____ Email: _____
Agency Address: _____ Phone: _____

Breathalyzer Technician: Pound ID: 24639 Agency: PBSO

DRE: _____ ID# _____ Agency Case #: _____
Agency Address: _____ Phone: _____ Email: _____

Name: Deputy Ngyuen #37928 **Involvement:** Translation
Address: 3228 Gun Club Rd. West Palm Beach, FL Phone: (561) 688-3000
Can Testify To: Translation ☐ Wheel Witness

Name: _____ **Involvement:** _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ **Involvement:** _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ **Involvement:** _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ **Involvement:** _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ **Involvement:** _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

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: 03/14/2022

Date of Last Agency Inspection: 02/04/2022

Observation Period Began: 02:11

Subject's Name: THAN A LE

DOB: 03/15/1980 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	02:39
	Air Blank	0.000	02:39
	Control Test	0.082	02:40
	Air Blank	0.000	02:40
	Subject Sample #1	0.185	02:41
	Air Blank	0.000	02:42
	Air Blank	0.000	02:44
	Subject Sample #2	0.190	02:44
	Air Blank	0.000	02:45
	Control Test	0.079	02:45
	Air Blank	0.000	02:45
	Diagnostics Check	OK	02:45

Cylinder Lot: 19021080A2
Exp: 09/05/2023

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 PARIS D POUND, 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: _____ Date: 03/14/22
Signature

Sworn to (or affirmed) before me this 14th day of MARCH, 2022

Signature of Notary Public-State of Florida _____ Printed Name of Notary Public-State of Florida OFC. J. LOUETT

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.

TESTING FACILITY TASK REPORT

AGENCY:	PBG		
SUBJECT:	LE, THAN AI	CASE NUMBER:	22-045947
DATE:	Mar 14, 2022	VIDEO DVD NUMBER:	N/A
BEGINNING TIME:	02:35	ENDING TIME:	02:49
BREATH TESTS RESULTS:	1) .185 TIME 02:41 A.M. ☒ P.M. ☐	2) .190 TIME 02:44 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:	BROKEN ENGLISH
ATTITUDE:	CALM, QUIET
CLOTHING:	BLUE JEANS , GRAY SHIRT , BROWN SANDALS
MEDICAL CONDITIONS:	NONE
MEDICATIONS:	NONE

OTHER:

SUBJECT: STATED HE HAD FIVE BEERS IN Q&A

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 02:11 HRS.

SUBJECT: AGREED TO TAKE TEST

A/O: READ RIGHTS

SUBJECT: STATED HE UNDERSTOOD RIGHTS

TECH: READ TEST RESULTS

SUBJECT: STATED HE UNDERSTOOD TEST RESULTS

A/O: CONDUCTED Q&A

SUBJECT: ANSWER QUESTIONS

SUBJECT: CC, THAM A 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) LEND ...

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? _____

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: _____



**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	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	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)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2022006670

Date: 03/14/2022

Specialist Name/ID: T Howard/7185