

21CT14AmB

Arrest Report

J# 0520534

1932

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

Report Date / Time 1/1/2021 01:57 AM	Report Number FHP99ARR832012	Case Number/Cad Number FHPL21OFF000010 / LWRC21CAD000029	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 01/01/2021 01:02:06 - 01/01/2021 03:26:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95 NORTHBOUND AND DONALD ROSS ROAD SOF			
Street Number 5410	Street DONALD ROSS ROAD	Apt/Lot/Bldg	City PALM BEACH GARDENS	State FL	Zip Code 33418

Defendant

First Name VICTORIA	Middle Name ANN	Last Name MARCHAND	Suffix	Race HISPANT	Sex FEMALE	Height 505	Weight 130	Hair BLK	Eyes BRO
MNI #	SSN	Date of Birth 06/24/1994	Age 26	ID Type E	Drivers License or other ID M625861947240	State FL	OCA / Agency ID	Place of Birth: MA UNITED STATES, North Hampton	
Address * RESIDENCE / 51 S FOUR SEASONS RD, PALM BEACH GARDENS, FL 33410 /									

Arrest

Arrest Date/Time 1/1/2021 1:33:00 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description PUBLIX PARKING LOT DONALD ROSS ROAD				
Street Number 5410	Street DONALD ROSS ROAD	Apt/Lot/Bldg	County PALM BEACH	City PALM BEACH GARDENS	State FL	Zip Code 33418

Charge : S

Counts 1	Charge 316.193.1A	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			
Is Arrestee Juvenile?			No
Type of Arrest			On-View Arrest (apprehension without a warrant or previous incident report)

Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

Arrest Report

SCANNED
JAN 02 2021

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On 1/1/2021 I was traveling north on Interstate 95 approaching Donald Ross when I observed a silver Kia Sportage SUV (attached Florida tag: HMME91) traveling between the HOV lane and the inside center travel lane for an extended period of time. The driver of the silver Kia then changed lanes and accelerated to a high rate of speed. I observed a steady speed reading of 86mph in a posted 70mph speed limit zone in the outside center travel lane. The vehicle then changed lanes from the outside center to the outside travel lane and onto the right shoulder. I got behind the vehicle and activated my emergency lights to conduct a traffic stop on the vehicle. I approached the front right passenger window and spoke to the driver through the open window. I asked the driver for her license, registration and proof of insurance. She was able to locate an expired insurance card but could not locate the other documents. I observed her search the interior of her vehicle and fumble with the items inside showing poor hand-eye coordination. I smelled the strong odor of an unknown alcoholic beverage coming from the interior of the vehicle despite the fact that I was wearing a surgical mask. She appeared to have red and glassy eyes and her speech was noticeably slurred. I asked her to turn off the vehicle and hand me the keys. She then placed the vehicle in drive and began to move the vehicle forward. I told her to stop and put the car in park and remove the keys which she did. The driver was later identified by her Florida drivers license information via FCIC/NCIC as Victoria Ann Marchand (FL DL: M625861947240). I asked Ms. Marchand if she had anything to drink and she stated that she had one drink about two hours ago. I later asked Ms. Marchand to exit the vehicle and spoke to her in front of my marked patrol vehicle. I observed that she was unsteady on her feet and used the side of her vehicle to brace herself while walking to the front of my vehicle. I asked her again what she had to drink and she stated that she had one "Malibu" alcoholic drink at Toojays in Jupiter about 2 hours ago. I asked her if she was willing to perform standardized field sobriety exercises and she agreed to perform them. I transported Ms. Marchand off the Interstate and to the nearby Publix parking lot at 5410 Donald Ross Rd, Palm Beach Gardens, FL 33418. Prior to administration of the exercises I asked whether she agreed that the surface was flat and she agreed. I asked if she had any medical conditions and she stated none that she knew of. I asked if she had any injuries and she stated no. I asked if she wore glasses or contacts and she stated no. I asked what her natural eye color was and she stated brown which was

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observed. The results of the exercises are summarized below. (Note: The summary below is not intended to be a verbatim account of all the events that took place during the administration of the standardized field sobriety exercises. Video footage and audio of the exercises is available upon request.) Each exercise was explained and demonstrated prior to the subject attempting to perform the exercise.

Horizontal Gaze Nystagmus Exercise (Streamlight red LED pen used as a contrasting stimulus)

- I checked for resting nystagmus which was not observed in either eye
- I checked for equal pupil size and equal tracking; Both pupils were equal in size and both eyes tracked the stimulus equally.
- I observed a lack of smooth pursuit in both eyes
- I observed horizontal gaze nystagmus at maximum deviation in both eyes
- I observed horizontal gaze nystagmus prior to 45 degrees in both eyes
- No vertical gaze nystagmus was observed

Walk and Turn Exercise (A painted white line in the parking lot was utilized during the exercise)

- Did not stay in the starting position as instructed
- Started exercise prior to the command to begin
- Did not walk heel to toe on multiple steps
- Stepped off the line on multiple steps
- Used arms to balance
- Did not take the correct number of steps as instructed, repeating the exercise multiple times until I instructed her to stop.

One Leg Stand Exercise

- Placed foot on ground
- Swayed
- Hopped

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-Used arms for balance

Modified Romberg Balance Exercise

-39.97 seconds elapsed during the 30 second time estimation until she advised me to stop

Finger to Nose Exercise

-Missed touching the tip of her nose with the tip of her finger multiple times, touching the sides of her nose

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Victoria Ann Marchand committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcoholic beverages, any chemical substance per Florida State Statute 877.111, or any controlled substance per Chapter 893, while their normal faculties were impaired. Ms. Marchand was placed under arrest for the above offense and handcuffed behind her back. She was transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility a 20 minute observation period was conducted where she did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). She was then asked to provide a breath test sample to test for the alcoholic content of her breath. She agreed to provide the breath test samples and provided a first breath test sample of 0.165 and a second breath test sample of 0.149. The Constitutional Warning document was then read to her and she stated that she understood her rights and wished to speak with her lawyer. The question and answer portion was not performed. She was issued a DUI citation and a uniform citation for the excessive speed. She was booked without incident. All of the above events occurred in Palm Beach County, FL.

Note: My patrol vehicle is equipped with in car video and audio that is available

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: Marchand, Victoria A

CASE NUMBER: 21-021078

DATE: Jan 1, 2021

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0238

ENDING TIME: 0251

BREATH TESTS RESULTS: 1) .165 TIME 0243 A.M. P.M. 2) .149 TIME 0247 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

ATTITUDE: crying, talkative, fidgety

CLOTHING: black dress, no shoes

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER:

eyes are glassy
odor of unknown alcoholic beverage on breath

COMMENTS:

arrived at center A/O conducted 20 minute observation period 0215 hrs

subject agreed to perform breath test

A/O read rights & subject understood rights

tech read breath test results & subject understood breath test results

A/O attempted Q&A

subject invoked right to counsel



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

PBSO CASE # 21-021078

AGENCY CASE# FHPL21OFF000010

AGENCY ZONE 03-15

CRASH CASE # _____

TIME OF STOP/CRASH ~12:58AM

DATE 1/1/2021

DAY FRIDAY

SUBJECT'S NAME VICTORIA ANN MARCHAND

RACE WHITE

SEX FEMALE

HGT 5'5"

WGT 130LBS

DOB 06/24/1994

LOCATION INTERSTATE 95 NORTHBOUND AND DONALD ROSS ROAD

ARRESTING OFFICER'S NAME & ID TPR ANDREW IV #3651

AGENCY FLORIDA HIGHWAY PATROL

DIVISION: TROOP L - LAKE WORTH

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 0215

ARREST TIME 1:33AM

BREATH RESULTS:

1. .165

2. .149

3. N/A

4. N/A

TESTING OFFICER'S ID 19183

PBSO VIDEOTAPE # N/A

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: 80-006476 Software: 8100.27
Date of Test: 01/01/2021

Date of Last Agency Inspection: 12/11/2020
Observation Period Began: 02:15
Subject's Name: VICTORIA A MARCHAND

DOB: 06/24/1994 Sex: F

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	02:41
	Air Blank	0.000	02:42
	Control Test	0.080	02:42
	Air Blank	0.000	02:43
	Subject Sample #1	0.165	02:43
	Air Blank	0.000	02:44
	Air Blank	0.000	02:46
	Subject Sample #2	0.149	02:47
	Air Blank	0.000	02:48
	Control Test	0.079	02:48
	Air Blank	0.000	02:49
	Diagnostics Check	OK	02:49

Cylinder Lot: 22620080A2
Exp: 10/05/2022

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 THOMAS H LEANEY, 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: T Leaney Signature Date: 01/01/21

Sworn to (or affirmed) before me this 01st day of January, 2021

THOMAS H LEANEY Signature of Notary Public-State of Florida THOMAS H LEANEY #3651 Printed Name of Notary Public-State of Florida

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.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT**

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Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006476 Software: 8100.27
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Air Blank	0.000	02:44
Air Blank	0.000	02:46
Subject Sample #2	0.149	02:47
Air Blank	0.000	02:48
Control Test	0.079	02:48
Air Blank	0.000	02:49
Diagnostics Check OK		02:49

Cylinder Lot: 22620080A2
Exp: 10/05/2022

State of Florida, County of Palm Beach

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Breath Test Operator: T Leaney Date: 01/01/21
Signature

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TRP Andrew chr Signature of Notary Public-State of Florida
TRP. A IV #3651 Printed Name of Notary Public-State of Florida

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SUBJECT: Marvin V. ... CASE NUMBER: FNPL210FFCW

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: _____

SUBJECT: Michael V. ... CASE NUMBER: FMFL210FF000010

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) _____



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"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2021000029	Date: 01/02/2021
	Specialist Name/ID: AM/31562