



Arrest Report

21CT 7458 AMB

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

0523127

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Report Date / Time 5/5/2021 11:38 PM	Report Number FHP99ARR836203	Case Number/Cad Number FHPL21OFF028358 / LWRC21CAD080140	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 05/05/2021 22:32:48 - 05/06/2021 01:10:00	Jurisdiction	Clearance

Location of Occurrence

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

Defendant

First Name WILBERT	Middle Name	Last Name BERRIOS	Suffix	Race WHITE	Sex MALE	Height 508	Weight 165	Hair BLK	Eyes BRO
MNI #	SSN	Date of Birth 1/11/1953	Age 67	ID Type E	Drivers License or other ID B620880534110	State FL	OCA / Agency ID		
Place of Birth:	NEW YORK CITY NY UNITED STATES								
Address * RESIDENCE / 13230 CAMERO WAY , WEST PALM BEACH, FL 33418 / 703-595-8376									

Arrest

Arrest Date/Time 5/5/2021 10:56:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description DONALD ROSS ROAD AND CROSS POINTE DRIVE				
Street Number	Street E 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 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 5/5/2021 at approximately 10:27PM I was traveling west on Donald Ross Road in the inside left turn lane approaching the Interstate 95 southbound entrance ramp when I observed a silver Mercedes convertible accelerate to a high rate of speed

Arrest Report

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SCANNED

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MAY 06 2021

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and run through a solid red traffic signal at the intersection. I changed lanes and accelerated in order to overtake the silver Mercedes. The Mercedes continued to accelerate to an extremely high rate of speed. As the silver Mercedes approached the round about just east of Jog Road the driver slowed and I was able to catch up with the vehicle. The silver Mercedes had an attached Florida tag of IP48CB. I had my lights and sirens activated and performed a traffic stop on the vehicle. The vehicle navigated the round about and came to a complete stop facing eastbound on Donald Ross Road in the right turn lane just west of Cross Pointe Drive. I approached the driver side door and spoke to the driver asking for his license, registration and proof of insurance. The driver initially provided his concealed carry license. I observed that he was fumbling as he was searching through his cards. He eventually provided a Florida drivers license which was used to identify the driver as Wilbert Berrios (FL DL: B620880534110). As I spoke to Mr. Berrios I smelled the strong odor of an unknown alcoholic beverage coming from his breath as he spoke despite the fact that I was wearing a surgical mask. I also noticed that his speech was noticeably slurred. I asked him if he had anything to drink and he admitted that he did. Mr. Berrios also informed me that he had a firearm in the glovebox. I eventually took custody of the firearm for the duration of the stop for officer safety considerations and secured it inside my patrol vehicle. I later asked Mr. Berrios to exit his vehicle and spoke to him in front of my marked patrol vehicle. As I spoke to him I continued to smell the strong odor of an unknown alcoholic beverage coming from his breath as he spoke. He also appeared to be unsteady on his feet. I asked him again if he had anything to drink and he stated that he had two bourbons at the Cigar Box in Jupiter. I asked if he was willing to perform standardized field sobriety exercises and he agreed to perform them. I asked if he had any medical conditions and he stated that he had an injury to his right leg and a heart condition. I asked if he was taking any medications and he stated he was taking blood pressure medication, cholesterol medication, blood thinner medication and Aspirin. I asked if he had diabetes and he stated no. Mr. Berrios was wearing glasses. I asked on a scale of 1 to 10 with 1 being completely sober and 10 falling over drunk where he would rate himself and he stated a 3 out of 10. (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

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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 observed

Walk and Turn Exercise (A painted white line on the roadway was utilized during the exercise)

- Unable to stay in the starting position
- Used arms to balance
- Did not walk heel to toe on multiple steps
- Did not take 9 steps as instructed
- Did not complete exercise as instructed stopping midway

One Leg Stand Exercise

- Placed foot on the ground
- Did not keep arms to side as instructed using them to balance
- Swayed and nearly fell over

Modified Romberg Balance Exercise

- 47 seconds elapsed during the 30 second time estimation

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Finger to Nose Exercise

-Missed touching the tip of his nose with the tip of his finger on the first attempt

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Wilbert Berrios 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. He was placed under arrest for the above offense and handcuffed behind his back. With Mr. Berrios consent a friend came to the scene and took custody of the vehicle and firearm. After being searched he was then transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility a 20 minute observation period was conducted where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). He was then asked to provide a breath test sample to test for the alcoholic content of his breath. He agreed to provide the breath test samples and provided a first sample of 0.157 and a second sample of 0.173. The Constitutional Warning document was read to Mr. Berrios and he stated that he understood his rights and did not want to answer any questions. Mr. Berrios was issued a DUI citation along with a uniform traffic citation for running the red light. He was subsequently 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 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



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

PBSO CASE # 21-062540

AGENCY CASE# FHPL21OFF028358

AGENCY ZONE 3-15

CRASH CASE # _____

TIME OF STOP/CRASH ~10:32PM DATE 5/5/2021 DAY WEDNESDAY

SUBJECT'S NAME WILBERT BERRIOS RACE WHITE SEX MALE

HGT 5'8" WGT 165LBS DOB 11/11/1953

LOCATION DONALD ROSS ROAD WESTBOUND AND INTERSTATE 95

ARRESTING OFFICER'S NAME & ID TPR ANDREW IV AGENCY FLORIDA HIGHWAY PATROL

DIVISION: TROOP L-LAKE WORTH

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 2337

BREATH RESULTS:

ARREST TIME 10:56PM

1. .157
2. .173
3. N/A
4. N/A

TESTING OFFICER'S ID 24639 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: 80-006240 Software: 8100.27
Date of Test: 05/06/2021

Date of Last Agency Inspection: 04/09/2021

Observation Period Began: 23:37

Subject's Name: WILBERT BERRIOS

DOB: 11/11/1953 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		00:04
Air Blank	0.000	00:04
Control Test	0.080	00:05
Air Blank	0.000	00:05
Subject Sample #1	0.157	00:07
Air Blank	0.000	00:08
Air Blank	0.000	00:10
Subject Sample #2	0.173	00:12
Air Blank	0.000	00:12
Control Test	0.080	00:13
Air Blank	0.000	00:13
Diagnostics Check OK		00:13

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 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: _____

Signature

Date: 05/06/21

Sworn to (or affirmed) before me this 6th day of MAY, 2021

TRP Anderson
Signature of Notary Public-State of Florida

TRP. A. IV
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.

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: BERRIOS, WILBERT

CASE NUMBER: 21-062540

DATE: May 5, 2021

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 00:01

ENDING TIME: 00:15

BREATH TESTS RESULTS: 1) .157 TIME 00:07 A.M. ☒ P.M. ☐ 2) .173 TIME 00:12 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 TECHNICIAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: THICK

ATTITUDE: CALM, QUIET

CLOTHING: BLACK SHORTS , WHITE SHIRT , BLACK SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: GLASSY AND BLOODSHOT

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 23:37 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: ATTEMPTED Q&A

SUBJECT: REFUSED QUESTIONS

SUBJECT: BEKRIO, WILBERT

CASE NUMBER: FHPL210FF028358

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) _____

REMB ON CAMERA

SUBJECT: BERRIOS, WILBERT

CASE NUMBER: FHPL210FF028358

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? Refused

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: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL



**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: 2021010929

Date: 05/06/2021

Specialist Name/ID: T Howard/7185