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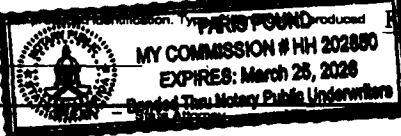
☐ Marsy's Law CVI FL Const. Art. I § 16(b)

☐ Check if Supplement is Attached

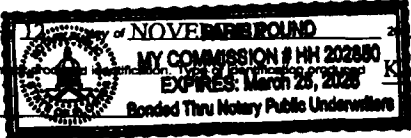
ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1	Juvenile N	
ADMINISTRATIVE	OBTS Number		Agency ORI Number FLO, 5, 0, 0, 0, 0, 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number (N.T.A.'s only) 0 6 - 22-128972	
	Charge Type: ☐ 1. Felony ☐ 2. Traffic Felony		☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other		If Weapon Seized Enter Type	
	Location of Arrest (Including Name of Business) FOREST HILL BV AND HAVERHILL RD WEST PALM BEACH FL		Location of Offense (Business Name, Address) FOREST HILL BV AND HAVERHILL RD, WEST PALM BEACH FL 33406		Multiple Clearance Indicator 1			
	Date of Arrest 11/12/2022		Time of Arrest 2251		Booking Date Booking Time Jail Date Jail Time		Location of Vehicle PRIORITY TOWING	
DEFENDANT	Name (Last, First, Middle) ADAY, ALFREDO, BEOVIDES							
	Alias (Name, DOB, Soc. Sec. #, Etc.)							
	Race W - White B - Black		Sex W M		Date of Birth 10/13/1962		Height 504	
	Weight 165		Eye Color BRO		Hair Color BLK/GRY		Complexion MED	
CO-DEF	Build SMALL							
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) NONE							
	Marital Status Married		Religion CATHOLIC		Indication of Alcohol Influence ☐ 1. City ☐ 2. County ☐ 3. Florida ☐ 4. Out of State ☐ 5. Juvenile		Y ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5	
	Local Address (Street, Apt. Number) 1674 KUDZA RD, WEST PALM BEACH FL 33415		(City) (State) (Zip)		Phone (561) 436 9370		Residence Type: 1. City 2. County 3. Florida 4. Out of State 5. Juvenile	
JUVENILE	Permanent Address (Street, Apt. Number) (City) (State) (Zip)		Phone ()		Address Source FL DL		Occupation MECHANIC	
	Business Address (Name, Street) SAME AS ABOVE		(City) (State) (Zip)		Phone ()		Citizenship QUEMADODEWINES CUBA US	
	D/L Number, State A300002623730,		Soc. Sec. Number [REDACTED]		INS Number		Place of Birth (City, State) QUEMADODEWINES CUBA	
	Co-Defendant (Last, First, Middle) (First) (Middle)		Race Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile	
CHARGE	Co-Defendant (Last, First, Middle) (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)		Address (Street, Apt. Number) (City) (State) (Zip)		Residence Phone () 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 was provided by ☐ defendant and / or ☐ defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk's Office (Phone (561) 355-6511) informed of any change of address. ☐ Yes, by: (Name) ☐ No (Reason)		School Attended		Grade		Value of Property	
CHARGE	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. Synthetic		U. Unknown Z. Other		Violation of ORD #	
	Charge Description DUI		Counts 1		Domestic Violence ☐ Y ☒ N		Statute Violation Number 316.193(1)A	
CHARGE	Drug Activity N		Drug Type N		Amount / Unit		Offense # 22-128972	
	Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
	Drug Activity Drug Type Amount / Unit		Offense #		Warrant / Capias Number		Bond	
	Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
CHARGE	Drug Activity Drug Type Amount / Unit		Offense #		Warrant / Capias Number		Bond	
	Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
	Drug Activity Drug Type Amount / Unit		Offense #		Warrant / Capias Number		Bond	
	Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
CHARGE	Drug Activity Drug Type Amount / Unit		Offense #		Warrant / Capias Number		Bond	
	Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
	Drug Activity Drug Type Amount / Unit		Offense #		Warrant / Capias Number		Bond	
	Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
NOTICE TO APPEAR	Location (Court, Room Number, Address) Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561) 688-4600							
	Court Date and Time Month DECEMBER Day 8 Year 2022 Time 0800 A.M. ☒ P.M.							
	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.							
	Signature of Defendant (or Juvenile or Parent/Custodian)				Date Signed 11/12/2022			
ADMIN	HOLD for other agency		Signature of [Signature] X		Name Verification (Printed by Arrestee) (PRINT)		PAGE	
	☐ Dangerous ☐ Suicidal		☐ Resisted Arrest ☐ Other:		Name of Arresting Officer (Print) INV E. K WHITE (7209)		I.D. # 7209	
	Inmate Deputy GT HORTON 7209		Transporting Officer INV. E. K. WHITE 7209		Agency PBSO		Witness here if subject signed with an "X"	
	Pouch #		I.D. #		Agency		1 OF 1	

SCANNED
NOV 13 2022

PROBABLE CAUSE AFFIDAVIT		1 Arrest 2 NTA	3 Request for Warrant 4 Request for Capias	1	Juvenile	N
ADMIN OBTS Number _____ Agency ORI Number <u>FLO 5 0 0 0 0 0</u> Agency Name <u>PALM BEACH COUNTY SHERIFF'S OFFICE</u> Agency Report Number <u>22-128972</u>						
Charge Type ☐ 1 Felony ☐ 3 Misdemeanor ☐ 5 Ordinance Check as many as apply ☐ 2 Traffic Felony ☐ 4 Traffic Misdemeanor ☐ 6 Other _____		Special Note _____				
CHARGES / DEF Name (Last, First, Middle) <u>ADAY, ALFREDO, BEOVIDES</u> Alias _____ Race <u>W</u> Sex <u>M</u> Date of Birth <u>10/13/1962</u>						
Charge Description <u>DUI</u> <u>316.193(1)A</u> Charge Description _____						
Charge Description _____ Charge Description _____						
VICTIM Victim's Name (Last, First, Middle) _____ 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 _____						
The undersigned certifies and swears that I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law. The Person taken into custody: ☒ committed the below acts in my presence. ☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. ☐ confessed to _____ admitting to the below facts. ☐ was found to have committed the below acts, resulting from my (described) investigation. On the <u>12</u> day of <u>NOVEMBER</u> 20 <u>22</u> at <u>2220</u> ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)						
☐ Mary's Law CVI FL. Const. Art. 1 § 16(b)						
PROBABLE CAUSE STATEMENT On Saturday, November 12, 2022 at approximately 2215 hours, while assisting with a traffic crash that occurred in the intersection of Forest Hill Boulevard and Haverhill Road, West Palm Beach (Palm Beach County) Florida, I watched a white Ford pick up truck driver over burning flares as it entered into the intersection. Two crashed vehicles were resting inside the intersections which disallowed the safe travel of east and westbound traffic. Deputies were standing in the intersection re-directing traffic to maintain a safe environment for deputies in the roadway. Deputy M. Maniscalco was standing in the westbound lanes of Forest Hill Bv. motioning traffic north on Haverhill Rd. During this time I heard the sound of traffic flares being run over as I watched a white pick up truck travel west on Forest Hill Bv. D/S Maniscalco gave loud orders for the driver of the white pick up to stop so he could make contact with the driver. I saw a Hispanic male driver inside the driver seat with no passengers. The truck stopped momentarily, made a slow right turn and began driving away. D/S Maniscalco began yelling for the truck to stop while banging on the side of it. The driver continued to drive away. Shortly thereafter I began driving in the direction the vehicle left. I watched it make a left turn onto Summit Bv and began traveling westbound in the inside lane. I began overtaking the truck as I noticed it increase its speed in a posted 45 mile per hour speed zone. I increased my speed and caught up to it. We maintained a speed of 65 mph where I neither gained on it, nor it pulled away from me. I activated my emergency lights in an effort to conduct a traffic stop on it. It swerved abruptly to the center lane and came to a stop. I approached the vehicle from the driver side and made contact with the driver. He was later identified as Alfredo Beovides Aday by his Florida driver license. He was eating a taco with lettuce dropping onto the driver side floor board. He later began dropping the contents onto the roadway. I noticed his eyes were glazed, watery and glossy. His cheeks were flushed, mouth dry and he slurred his speech while speaking. His movements were slow, calculated and lethargic. I could smell a strong odor of an unknown alcoholic beverage emanating from the inside of his vehicle. He was neatly dressed wearing a yellow short sleeve shirt, black shorts and brown loafers. Due to a possible language barrier I asked for a Spanish deputy to respond for assistance with translation. I also asked for additional deputies to assist with traffic since we were in the roadway. Deputy Felix Torres arrived on scene and assisted with translation. Deputy M. Maniscalco and Sergeant Micheal Lopez responded to assist with traffic. They positioned their patrol cars in the westbound inside lane to divert westbound traffic into the outside lane. The maneuver created a safer environment for administering the tasks. Deputy Felix Torres arrived on scene and assisted with translation.						
ADMINISTRATIVE STATE OF FLORIDA COUNTY OF PALM BEACH INV E. K. WHITE (72) (Signature of Arresting/Investigative Officer) _____ The foregoing instrument was sworn to or affirmed and subscribed before me this <u>12</u> day of <u>NOVEMBER</u> 20 <u>22</u> by <u>INV E. K. WHITE</u> (Print name of Arresting/Investigative Officer, who is personally known to me as _____) Notary Public, Clerk of Court, Officer (F.S.S.) 11 7. 1 0 MY COMMISSION # HH 202850 EXPIRES: March 28, 2026 Notary Public Underwriters PAGE <u>1</u> OF <u>2</u>						



SCANNED
NOV 13 2022

		PROBABLE CAUSE AFFIDAVIT		1 Arrest 2 NTA		3 Request for Warrant 4 Request for Copies		1		Juvenile		N	
ADMIN	OBTS Number												
	Agency ORI Number FLO 5 0 0 0 0 0	Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE						Agency Report Number 22-128972					
CHARGES	Charge Type Check as many as apply	☐ 1 Felony		☐ 3 Misdemeanor		☐ 5 Ordinance		Special Notes					
		☐ 2 Traffic Felony		☐ 4 Traffic Misdemeanor		☐ 6 Other							
DEF	Name (Last, First, Middle)	ADAY, ALFREDO, BEOVIDES						Race W		Sex M		Date of Birth 10/13/1962	
	Charge Description DUI	316.193(1)A						Charge Description					
VICTIM	Victim's Name (Last, First, Middle)							Race		Sex		Date of Birth	
	Local Address (Street, Apt Number)	(City)				(State)		(Zip)		Phone		Address Source	
PROBABLE CAUSE STATEMENT	Business Address (Name, Street)	(City)				(State)		(Zip)		Phone		Occupation	
	The undersigned certifies and swears that I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law. The Person taken into custody: ☒ committed the below acts in my presence. ☐ confessed to admitting to the below facts. ☐ was observed by _____ who told that he/she saw the arrested person commit the below acts. ☐ was found to have committed the below acts, resulting from my (described) investigation. On the <u>12</u> day of <u>NOVEMBER</u> 20 <u>22</u> at <u>2220</u> ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)												
ADMINISTRATIVE	☐ Marry's Law CVI FL. Const. Art. 1 § 16(b)												
	Deputy M. Maniscalco and Sergeant Micheal Lopez responded to assist with traffic. They positioned their patrol cars in the westbound inside lane to divert westbound traffic into the outside lane. The maneuver created a safer environment for administering the tasks. I told the driver he drove through a crash scene where a deputy was directing traffic away from the crash scene. I explained he failed to follow his instructions and drove away when he tried to stop him. Moreover, I told him I had a suspicion that he had been drinking an unspecified amount of alcoholic beverages. He told me he was not drunk. Based on my suspicion I asked if he would consent to performing Standardized Field Sobriety Evaluations (SFSTs) for the purpose of determining if he was impaired while operating a motor vehicle. He obliged. Prior to his performance I asked if he had any physical problems with his body that would inhibit him from performing light physical exercises. I also asked if he was taking medication. He explained he neither has anything wrong with him physically, nor is he taking medication. I escorted him to a level surface that was smooth and free from obstructions and debris. I could now smell a strong odor of an unknown alcoholic beverage emanating from his breath that intensified when he spoke. I asked him to identify with the yellow solid line in the roadway. He did so by giving its color and placing his left foot on when prompted to do so. The following SFSTs were explained, demonstrated, translated and acknowledged by him prior to his performance: HGN, The Walk and Turn, The One Leg Stand, The Finger to Nose and The Romberg Alphabet Recitation. His deficiencies were recorded on another form in this work sheet. At the conclusion of the SFSTs, coupled with the deputy's attempts to stop the vehicle after committing the violation that I also witnessed, coupled with my observation of personal indicators of impairment exhibited by the defendant, probable cause was established for DUI. I told the defendant he was being placed under lawful arrest for DUI. He was searched and handcuffed (double locked and checked for tightness) prior to being seated into the rear of my patrol car. Priority Towing responded on a PBSO's rotation request and impounded hi vehicle to their lot. Meanwhile I began transport to the main jail breath analysis facility for further processing. Upon our arrival I escorted the defendant into the facility and began a 20 minute observation period. During this time the defendant did not ingest anything into his body orally or otherwise. Neither did he regurgitate. I escorted him into the testing room and asked him to provide breath samples for the purpose of determining his alcohol content. He refused and was read implied consent. After the consent he changed his mind and agreed to provide breath samples. The defendant gave two (2) adequate breath samples that rendered results of .154 and .150. HE invoked his "rights" and was not read Miranda. He was booked into the main jail for DUI.												
STATE OF FLORIDA COUNTY OF PALM BEACH (Signature of Arresting/Investigative Officer) INV E. K. WHITE (72) The foregoing instrument was sworn to or affirmed and subscribed before me this <u>12</u> day of <u>NOVEMBER</u> 20<u>22</u> by <u>INV E. K. WHITE</u> (Print name of Arresting/Investigative Officer), who is personally known to me and is duly qualified to administer oaths. Notary Public, Clerk of Court, Officer (F.S.S. 11.7.10)  KNOWN LEO PAGE 2 OF 2													

NOV 13 2022

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 12 DAY OF NOVEMBER 20 22, AT 2220 AM ☒ PM
SUBJECT: ADAY, ALFREDO, BEOVIDES CASE NUMBER: 22-128972
AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV E. K. WHITE (7209)

PERSONAL CONTACT

DRIVING PATTERN: Actual physical control (physical evidence or statements putting def. behind wheel of vehicle)

SEE PC AFFIDAVIT

OBSERVATION OF DRIVER:

SEE PC AFFIDAVIT

DRIVER'S STATEMENTS:

I AM NOT DRUNK

ODORS:

STRONG ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE COMING FROM SUBJECT'S BREATH.

GENERAL OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: VARYING MOOD SWINGS, COOPERATIVE, LETHARGIC, INATTENTIVE

CLOTHING: NEAT

MEDICAL/OTHER: NONE

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV E. K. WHITE (7209)
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to, affirmed and subscribed before me this 12 day of NOVEMBER 20 22 by INV E. K. WHITE (7209)

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWN LEO

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



10/13/2022

SUBJECT: ADAY, ALFREDO, BEOVIDES

CASE NUMBER 22-128972

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:



LT EYE-LACK OF SMOOTH PURSUIT



RT EYE-LACK OF SMOOTH PURSUIT



LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION



RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION



LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES



RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Subject was asked to stand with their feet together and place their hands by their side. They were asked to focus on the stimulus and follow it with their eyes. Lastly they were told not to move their head to assist in following the stimulus with their eyes. Subject showed equal pupil size that tracked equally. Both eyes lacked a smooth pursuit. I saw distinct and sustained Nystagmus at maximum deviation. I also saw an onset of Nystagmus prior to 45 degrees in both eyes. Subject also turned his head to assist in following the light.

WALK & TURN:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE WALK AND TURN. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject was unable to maintain balance while placed in the instructional position, swayed and abandoned the position altogether. During the performance subject failed to touch heel to toe, stepped off the line, could not maintain balance while walking the line, stopped on line to steady, took an incorrect number of steps, asked for instructions during the task, turned improperly-did not perform this task as instructed

ONE LEG STAND:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE ONE LEG STAND. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject swayed while standing, subject began hopping,-did not look at elevated foot.

FINGER TO NOSE:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE FINGER TO NOSE. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject swayed while placed in the instructional position, failed to touch the tip of his finger to the tip of his nose on all six attempts, rather touched underneath, sides, rim of his glasses and the bridge of nose with the pad of the finger, on the counter request subject raised the wrong arm more than half way. He searched for his nose on occasion and failed to return his arm to his side after making contact with his nose.

ROMBERG ALPHABET:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE ROMBERG ALPHABET TASK. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject swayed while performing this task. Could not recite the 26 letter alphabet correctly in Spanish

BREATH TEST RESULTS:

1) .154

2) .150

3)

4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV E. K. WHITE (7209)

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12 day of NOVEMBER 2022 by INV E. K. WHITE (7209)

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWN LEO

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



NOV 13 2022

WITNESS LIST

CASE NUMBER: 22-128972

ARRESTING OFFICER: INV E. K. WHITE (7209)

ADDRESS: CID/DUI

PHONE NUMBERS (HOME): _____ (WORK) 561 688 3000

CAN TESTIFY TO: FACTS

NAME: D/S M. MANISCALCO

ADDRESS: DIST 1

PHONE NUMBERS (HOME) _____ (WORK) 561 688 3000

CAN TESTIFY TO: FACTS

NAME: SGT. MICHAEL LOPEZ

ADDRESS DIST 16

PHONE NUMBERS (HOME) _____ (WORK) 561 688 3000

CAN TESTIFY TO: FACTS

NAME: D/S FELIX TORRES

ADDRESS DIST 16

PHONE NUMBERS (HOME) 561 688 3000 (WORK) 0

CAN TESTIFY TO: TRANSLATION ON SCENE AND AT THE BAT

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

TESTING FACILITY TASK REPORT

AGENCY: **PBSO**

SUBJECT: **ADAY, ALFREDO B**

CASE NUMBER: **22-128972**

DATE: **Nov 12, 2022**

VIDEO DVD NUMBER: **N/A**

BEGINNING TIME: **23:54**

ENDING TIME: **00:10**

BREATH TESTS RESULTS: 1) **.154** TIME **00:03** A.M. ☒ P.M. ☐ 2) **.150** TIME **00:07** 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: **SPANISH SPEAKER**

ATTITUDE: **MAD, UPSET, LOUD**

CLOTHING: **BLACK SHORTS , YELLOW SHIRT , BROWN SHOES**

MEDICAL CONDITIONS: **NONE**

MEDICATIONS: **NONE**

OTHER:

TRANSLATOR D/S F. TORRES

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 23:20 HRS.

SUBJECT: REFUSED TO TAKE TEST

A/O: READ I/C, ALSO EXPLAINED I/C

SUBJECT: UNDERSTOOD I/C AND AGREED TO TAKE TEST

TECH: READ TEST RESULTS

SUBJECT: STATED HE UNDERSTOOD TEST RESULTS

NO RIGHTS OR Q&A CONDUCTED

SUBJECT: INVOKED HIS RIGHTS TO COUNSEL

30117
10/18/22

SUBJECT: ADAY, ALFREDO

CASE NUMBER: 22-12972

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 ON CAMERA

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 ON CAMERA

WHITE: STATE ATTY.

YELLOW: DHSMV

PINK: CENTRAL RECORDS

GOLD: JAIL

SUBJECT: ALAY, ALFRED CASE NUMBER: 2012 710

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? SCANNED

INTERVIEWER: INV. F.L. WHITE / D/S TRAPPES NOV 13 2022

**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: 80-006238 Software: 8100.27
Date of Test: 11/13/2022

Date of Last Agency Inspection: 10/21/2022
Observation Period Began: 23:20
Subject's Name: ALFREDO B ADAY

DOB: 10/13/1962 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	00:01
	Air Blank	0.000	00:02
	Control Test	0.078	00:02
	Air Blank	0.000	00:03
	Subject Sample #1	0.154	00:03
	Air Blank	0.000	00:04
	Air Blank	0.000	00:06
	Subject Sample #2	0.150	00:07
	Air Blank	0.000	00:07
	Control Test	0.077	00:08
	Air Blank	0.000	00:08
	Diagnostics Check	OK	00:08

Cylinder Lot: 29821080A4
Exp: 12/05/2023

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 O 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: 11/13/22
Signature

Sworn to (or affirmed) before me this 13th day of November, 2022

Signature of Notary Public-State of Florida _____ Printed Name of Notary Public-State of Florida INV. E.K. WHITE

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.



**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

CHANTEL DANIELS
11/13/22

Booking Number: 2022029484

Date: 11/13/2022

Specialist Name/ID: Chantel Daniels/30347