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3844

☐ Marsy's Law CVI FL Const. Art.1 § 18(b)

ARREST / NOTICE TO APPEAR Juvenile Referral Report

☐ Check if Supplement is Attached

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

 Juvenile ☐ N

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 - 22-140082	
Charge Type: Check as many as apply.		☐ 1. Felony ☐ 2. Traffic Felony		☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other	
Location of Arrest (Including Name of Business) 13396 Hagen Ranch Rd, Delray Beach, FL 33446		Location of Offense (Business Name, Address) 13396 Hagen Ranch Rd, Delray Beach, FL 33446					
Date of Arrest 12/16/2022	Time of Arrest 0444	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle 13588 Barcelona Lake Cir	Multiple Clearance Indicator 0 1
Name (Last, First, Middle) Balaguera, Anthony,		Alias (Name, DOB, Soc. Sec. #, Etc.)					
Race W - White B - Black	Sex M	Date of Birth 2/10/2001	Height 5'11	Weight 180	Eye Color Bro	Hair Color Bro	Complexion Light
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Marital Status Single		Religion CHRISTIAN		Indication of: Alcohol influence Drug influence	
Local Address (Street, Apt. Number) 13588 BARCELONA LAKE CIR, Delray Beach, FL 33446		(City) (State) (Zip)		Phone (954) 309-8179		Residence Type: 1. City 2. County 3. Florida 4. Out of State	
Permanent Address (Street, Apt. Number)		(City) (State) (Zip)		Phone ()		Address Source FL DL	
Business Address (Name, Street)		(City) (State) (Zip)		Phone ()		Occupation Bar back	
D/L Number, State B426000010500, FL		Soc. Sec. #		INS Number		Place of Birth (City, State) Columbia City, Columbia	
Citizenship YES		Co-Defendant (Last, First, Middle)		Race Sex Date of Birth		☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile	
Co-Defendant (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 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.		School Attended		Grade			
Property Crime? ☐ Yes ☐ No		Description of Property		Value of Property			
Drug Activity		Drug Type		Amount / Unit		Offense #	
Charge Description Driving Under the Influence		Counts 01		Domestic Violence ☐ Y ☐ N		Statute Violation Number 316.193(1A)	
Drug Activity		Drug Type		Amount / Unit		Offense # 22-140082	
Charge Description Leaving the Scene w/ property, damage		Counts 01		Domestic Violence ☐ Y ☐ N		Statute Violation Number 316.061(1)	
Drug Activity		Drug Type		Amount / Unit		Offense # 22-140082	
Charge Description		Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number	
Drug Activity		Drug Type		Amount / Unit		Offense #	
Charge Description		Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number	
Drug Activity		Drug Type		Amount / Unit		Offense #	
Charge Description		Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number	
Drug Activity		Drug Type		Amount / Unit		Offense #	
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 January Day 12 Year 2023 Time 08:30 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 and Parent/Custodian)						Date Signed 12/16/2022	
HOLD for other agency		Signature of Arresting Officer		Name Verification (Printed by Arrestee)			
☐ Dangerous ☐ Suicidal		☐ Resisted Arrest ☐ Other		(PRINT)			
Intake Deputy TK 9383		I.D. # 3844		Name of Arresting Officer (Print) Inv. C. Ward 16305		I.D. # 16305	
Transporting Officer Inv. C. Ward		I.D. # 16305		Agency PBSO		Witness here if subject signed with an "X"	
						PAGE 1 OF 1	

OBT Number		PROBABLE CAUSE AFFIDAVIT		1 Arrest 2 NTA		3 Request for Warrant 4 Request for Capias		1	N
ADMIN	Agency ORI Number FL 05000000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number 22-140082				
	Charge Type Check as many as apply ☐ 1 Felony ☐ 2 Traffic Felony		☐ 3 Misdemeanor ☐ 4 Traffic Misdemeanor		☐ 5 Ordinance ☐ 6 Other		Special Notes		
DEF	Name (Last, First, Middle) BALAGUERA		Alias ANTHONY		Race W	Sex M	Date of Birth 02/10/2001		
	Charge Description		Charge Description						
CHARGES	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 16th day of December, 2022 at 0350 ☒ A.M. ☐ P.M. (Specifically include facts constituting cause for arrest.) ☐ Notary's Law CVI FL Const. Art. I § 16(b) On December 16, 2022 at approximately 0300 hours, I was dispatched to a hit-and-run at the entrance of the Valencia Falls community located in Delray Beach Florida. Upon my arrival of the Valencia Falls entrance I made contact with the gate guard Rickey Irion Jr. Coker, who stated he observed a Silver Nissan Altima strike a gate transmitter. The gate guard stated when he made contact with the driver he told him he had to call emergency services to report the damage, to which the Silver Nissan left the scene of the crash into the community in an unknown direction of travel. The gate guard stated he recognized the driver and provided me with the address of 13588 Barcelona Lakes Circle. I then drove to the provided address and while arriving at the residence I observed a Silver Nissan Altima driving north bound in Barcelona Lakes Cir. I observed the Silver Nissan Altima (No Displayed License Plate) with front end damage including a piece of the front bumper scraping on the roadway. I then stepped out of my vehicle put my hand out and verbally commanded the driver to stop the vehicle. As the vehicle attempted to drive past me, I observed the driver who looked visibly confused. After several verbal commands, the vehicle finally came to a stop. I then made contact with an Anthony Balaguera. When speaking with Anthony, I observed his eyes to be glossy and blood shot, while also slurring his speech. When Anthony spoke to me, I smelled the odor of an unknown alcoholic beverage coming from his breath and intensified as he spoke to me. I then asked where the license plate was to his vehicle to which he stated it was inside his vehicle. Anthony provided me with a Florida License plate of QSCT94. Based upon the above described observations, I requested a DUI investigator to respond. Inv. C. Ward #16305 arrived and conducted a DUI investigation.									
ADMINISTRATIVE	STATE OF FLORIDA COUNTY OF PALM BEACH <i>[Signature]</i> (Signature of Arresting/Investigative Officer) The foregoing instrument was sworn to or affirmed and subscribed before me this 16th day of December, 2022 by D/S C. Ettorre 29154 (Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification Type of identification produced Known Law Enforcement Officer Notary Public, Clerk of Court, Officer (F.S.S.) 117.10								
	PAGE 1 OF 1								

		PROBABLE CAUSE AFFIDAVIT		1 Arrest 2 NTA		3 Request for Warrant 4 Request for Capias		1	Juvenile	N	
ADMIN	OBT Number		Agency ORI Number		Agency Name		Agency Report Number				
	FLO 5 0 0 0 0 0		PALM BEACH COUNTY SHERIFF'S OFFICE				22-140082				
CHARGES	Charge Type		☐ 1 Felony ☐ 2 Traffic Felony		☐ 3 Misdemeanor ☒ 4 Traffic Misdemeanor		☐ 5 Ordinance ☐ 6 Other		Special Notes		
	Name (Last, First, Middle)		Alias		Race		Sex		Date of Birth		
VICTIM	Balaguera, Anthony.				W		M		2/10/2001		
	Charge Description		316.193(1A)		Charge Description						
		Charge Description				Charge Description					
		Victim's Name (Last, First, Middle)		Race		Sex		Date of Birth			
		State of Florida, -, -									
		Local Address (Street, Apt Number)		(City)		(State)		(Zip)		Phone	
		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>16</u> day of <u>December</u> 20 <u>22</u> at <u>0345</u> ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)											
☐ Marsey's Law CVI FL. Const. Art.1 § 16(b) I conducted the Standardized Field Sobriety Tasks (SFSTs) in front of my PBSO patrol vehicle using the in car video system with the following results. The area appeared Flat and even to the naked eyed, Well Lit, and clear of any large debris. It was Warm and Windy. The area was dry. Horizontal Gaze Nystagmus (HGN) The defendant was placed with their feet together and hands down by their side. The defendant was instructed to await the completion of the instructions prior to beginning the task. The defendant acknowledged that they clearly understood my instructions. I then instructed the defendant on the task. The defendant stated that they clearly understood my instructions for the task. I placed my stimulus in front of the defendant and ask the defendant if they could see it to which he said "yes." I asked the defendant what color the stimulus was to which they answered. "red." Upon commencing the task the defendant anticipated the stimulus, and did not follow the stimulus as instructed. During the task, I observed that the defendant had equal pupil size and did not exhibit resting nystagmus. The defendant's eyes tracked equally.											
STATE OF FLORIDA COUNTY OF PALM BEACH Inv. C. Ward 16305 (Signature of Arresting/Investigative Officer) The foregoing instrument was sworn to or affirmed and subscribed before me this <u>16</u> day of <u>December</u> 20 <u>22</u> by <u>Inv. C. Ward</u> (Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced <u>Known LEO</u> Thomas Leahey (#19183) Notary Public, Clerk of Court, Officer (F.S.S.). 117.10											
ADMINISTRATIVE DISTRIBUTION WHITE - Court Copy GREEN - State Attorney Notary Public State of Florida Thomas H Leahey My Commission Expires 06/20/2023 PAGE 1 OF 1											

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 16 DAY OF December 20 22, AT 0345 AM PM

SUBJECT: Balaguera, Anthony, CASE NUMBER: 22-140082

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. C. Ward 16305

PERSONAL CONTACT

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

At approximately 0400 hrs, I was called to 13588 Barcelona Lake Cir, unincorporated Delray Beach, Palm Beach County in reference to a hit and run traffic collision with property damage that occurred at 13396 Hagen Ranch Rd, in unincorporated Delray Beach, FL Palm Beach County, Florida.

I arrived at the scene at approximately 0415 hrs.

D/S Ettoree told me while investigating the hit and run crash he located the defendant and his vehicle, a Silver Nissan with no tag attached, driving through the neighborhood. Due to the proximity to the crash and the vehicle matching the description from the crash D/S Ettoree stopped the Vehicle. HE stated that the defendant had articulable indicators of impairment, so they called for a DUI unit to conduct a possible DUI investigation. (See the signed sworn PC supplement for more detail, See OCA 22-140081 in reference to the crash report)

OBSERVATION OF DRIVER:

I made contact with the defendant, later identified by their Florida Driver's License as, Anthony Balaguera, who was leaning on the back of his car. I observed that the defendant had red, watery, bloodshot eyes. The defendant had the odor of an unknown alcoholic beverage, based on my training and life experiences, that came from their breath which intensified as they spoke to me. The defendant was advised that the traffic collision investigation had ended and that I was conducting a criminal investigation. The defendant was read his Miranda rights from a pre printed card. The defendant stated he understood. I asked the defendant if they had any medical problems or had taken any medications and the defendant said he had a torn miniscus but that he had no other medical problems and had not taken any prescriptions. I asked how much they had had to drink. The defendant said, that he did have alcohol but would not give me an amount. T

I asked the defendant to walk to the front of my patrol vehicle. The defendant swayed while walking and while stalking.

I asked the defendant to perform voluntary field sobriety tasks. The defendant asked if his father could be present. I gave the Taylor Warnings and explained the evidence that I had already observed. I again asked the defendant to complete the voluntary roadside tasks and the defendant consented.

DRIVER'S STATEMENTS:

The defendant was read his Miranda rights from a pre printed card. The defendant stated he understood. The defendant admitted to driving and striking the transponder. I asked the defendant if they had any medical problems or had taken any medications and the defendant said no. I asked the defendant if they had any medical problems or had taken any medications and the defendant said he had a torn miniscus but that he had no other medical problems and had not taken any prescriptions. I asked how much they had had to drink. The defendant said, that he did have alcohol but would not give me an amount.

ODORS:

I could smell the odor of an unknown alcoholic beverage, based on my training and life experiences, which came from the defendant's breath and intensified as they spoke with me.

GENERAL OBSERVATIONS

SPEECH: Normal

ATTITUDE: cooperative

CLOTHING: Black Tee Shirt Blue Jeans and multi colored sneakers

MEDICAL/OTHER: I asked the defendant if they had any medical problems or had taken any medications and the defendant said he had a torn miniscus but that he had no other medical problems and had not taken any prescriptions.

STATE OF FLORIDA
COUNTY OF PALM BEACH

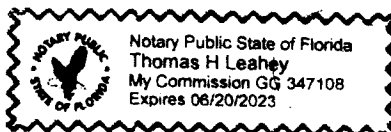
Inv. C. Ward 16305
signature of Arresting/Investigative Officer)

the foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of December 20 22 by Inv. C. Ward 16305

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

Thomas Leahey (#19183)

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



SUBJECT: Balaguera, Anthony,

CASE NUMBER 22-140082

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:

See PC:

WALK & TURN:

I placed, with the assistance of another deputy, an approximately 2" wide piece of yellow on the ground. I asked the defendant if they knew their left from their right which they did. I asked the defendant if they could see the line and they stated that they did. I asked the defendant what color the line was and they stated yellow. I had the defendant place their left foot on the line with their right foot in front of the left, heel to toe. I instructed the defendant to remain in the position throughout my instructions and demonstration. The defendant was instructed not to start the task prior to me telling them to begin. The defendant acknowledged and stated they completely understood my instructions. The defendant was then instructed on the task which I also demonstrated. The defendant swayed during my instructions. The defendant came out of the stance prior to me telling them to begin. Once the defendant was told to begin the task they used their arms for balance, made an improper turn, walked the incorrect number of steps, slowed to balance/steady themselves, The defendant did not count out loud, asked for additional instructions, and swayed throughout completing the task.

ONE LEG STAND:

The defendant was instructed to stand with their feet together and their hands down by their side. They were then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood the instructions. The defendant swayed while in the instructional position. The defendant came out of the instructional position prior to being told to begin. After being told to begin the defendant put their foot down prior to being told to stop (at the 30 second mark), used their arms for balance, and swayed. The defendant did not look at their toe as instructed. The defendant spontaneously stopped the task prior to being told to do so.

FINGER TO NOSE:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood these instructions. The defendant swayed while in the instructional position. The defendant mimicked me by tilting their head back and closing their eyes. I instructed the defendant on the task and demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant proceeded to miss for the tip of their nose with the tip of their finger, and started with the wrong hand. The defendant did not keep their head tilted back and/or opened their eyes during the task. The defendant swayed throughout the task.

ROMBERG ALPHABET:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood these instructions. The defendant swayed while in the instructional position. The defendant mimicked me by tilting their head back prior to me telling them to begin. The defendant stated that they did not know their English alphabet from A to Z but could count in English from 0 to 100. I instructed him on the task and then demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant then proceeded to without issue count from 01 to 26. The defendant swayed during the task.

BREATH TEST RESULTS: **Refused**

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305

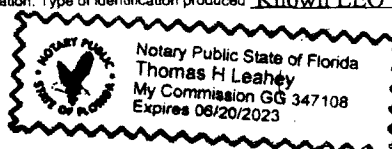
Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of December 2022 by Inv. C. Ward 16305

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

Thomas Leahey (#19183)

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





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

PBSO CASE # 22-140082 PBSO ZONE 4-12

AGENCY CASE # _____ CRASH CASE # 22-140081

TIME OF STOP/CRASH 0345 DATE 12/16/2022 DAY Friday

SUBJECT'S NAME Balaguera, Anthony, RACE W SEX M

HGT 5'11 WGT 180 DOB 2/10/2001

LOCATION 13396 Hagen Ranch Rd, Delray Beach, FL 33446

ARRESTING OFFICER'S NAME & ID Inv. C. Ward 16305 (16305) AGENCY Palm Beach County Sheriff's Office

DIVISION: CID-DUI

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 0547

ARREST TIME 0444

BREATH RESULTS:

REFUSED

TESTING OFFICER'S ID 19183 PBSO VIDEOTAPE # N/A

WITNESS LIST

CASE NUMBER: 22-140082

ARRESTING OFFICER: Inv. C. Ward 16305

ADDRESS: 3228 Gun Club Rd, West Palm Beach, FL 33406

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

CAN TESTIFY TO: DUI Investigation

NAME: D/S Ettorre # 29154

ADDRESS: 3228 Gun Club Rd, West Palm Beach, FL 33406

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

CAN TESTIFY TO: Wheel Witness

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: _____

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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: _____

****EFFECTIVE OCTOBER 1, 2021****

TESTING FACILITY TASK REPORT

AGENCY:

SUBJECT:

CASE NUMBER:

DATE:

VIDEO DVD NUMBER:

BEGINNING TIME:

ENDING TIME:

BREATH TESTS RESULTS: 1) TIME A.M. ☒ P.M. ☐ 2) TIME A.M. ☐ P.M. ☐

3) TIME A.M. ☐ P.M. ☐ 4) TIME A.M. ☐ P.M. ☐

BREATH OPERATOR:

MAINTENANCE TECHNICIAN:

TESTING OFFICER'S OBSERVATIONS

SPEECH:

ATTITUDE:

CLOTHING:

MEDICAL CONDITIONS:

MEDICATIONS:

OTHER:

eyes were glassy & bloodshot
odor of unknown alcoholic beverage on breath

REFUSED

COMMENTS:

arrived at center A/O conducted 20 observation period at 0547 hrs

subject refused to perform breath test - I plead the 5th

A/O read I/C & A/O explained & subject understood I/C

subject refused to perform breath test

A/O called refusal @ 0609

A/O read rights on scene

A/O did not attempt Q&A

subject invoked his right to counsel

REFUSED

SUBJECT:

Balaguer, Anthony

CASE NUMBER:

22 140082

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) _____

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) _____

WHITE: STATE ATTY.

YELLOW: DHSMV

PINK: CENTRAL RECORDS

GOLD: JAIL

SUBJECT: Balaguer, Anthony CASE NUMBER: 22-140082

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: 2022032403	Date: 12/17/2022
	Specialist Name/ID: C. Smith/39657