

0536194

22CF9464 MB

# Arrest Report

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

3725

Report Date / Time 11/23/2022 07:05 AM	Report Number FHP99ARR859539	Case Number/Cad Number FHP22ON0605669 / RCC22IN0893443	Reporting Officer Name ZIMMERMAN, JONATHAN
Originating Agency ORI FL0509000	Occur Date Time Range 11/23/2022 03:31:18 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

### Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description NB INTERSTATE 95 (SR9) NORTH OF SOUTHERN BLVD (SR80)	
Street Number	Street NB I-95	Apt/Lot/Bldg	City WEST PALM BEACH
		State FL	Zip Code 33405

### Defendant

First Name BLAKE	Middle Name HUNTER	Last Name WAGNER	Suffix	Race WHITE	Sex MALE	Height 511	Weight 200	Hair BLK	Eyes BLU
MNI #	SSN	Date of Birth 07/23/1979	Age 43	ID Type E	Drivers License or other ID W256068792630	State FL	OCA / Agency ID		
Place of Birth:		NEW YORK CITY NY USA							
Address * RESIDENCE / 2849 SW BRIGHTON WAY , PALM CITY, FL 34990 /									

### Arrest

Arrest Date/Time 11/23/2022 4:14:00 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description NB INTERSTATE 95 (SR9) NORTH OF SOUTHERN BLVD (SR80)							
Street Number	Street NB I-95	Apt/Lot/Bldg	County PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33405			

### Charge : S

Counts 1	Charge 893.13.6b	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree F	Charge Level MISDEMEANOR		
General Offense Code	Arrest Offense Code MARIJUANA-POSSESS		
Charge Description NOT MORE THAN 20 GRAMS			
Is Arrestee Juvenile?		No	
Type of Arrest		On-View Arrest (apprehension without a warrant or previous incident report)	

### Charge : S

Counts 3	Charge 893.13.6a	Bond Amount \$0.00	<input type="checkbox"/> No Bond
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*[Handwritten signature]* 7964

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Charge Degree T	Charge Level FELONY
General Offense Code	Arrest Offense Code DRUGS-POSSESS
Charge Description ACTUAL CONSTRUCTIVE POSS SYNTHETIC CANNABINOID	

**Charge : S**

Counts 2	Charge 893.13.6a	Bond Amount \$0.00	<input checked="" type="checkbox"/> No Bond
Charge Degree T	Charge Level FELONY		
General Offense Code	Arrest Offense Code DRUGS-POSSESS		
Charge Description CNTRL SUB WO PRESCRIPTION			
Is Arrestee Juvenile?			No
Type of Arrest			On-View Arrest (apprehension without a warrant or previous incident report)

**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	Arrest Offense Code DUI-UNLAW BLD ALCH		
Charge Description DUI INFLUENCE OF ALCOHOL OR DRUGS			

**Charge : S**

Counts 1	Charge 316.192.1a	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S	Charge Level MISDEMEANOR		
General Offense Code	Arrest Offense Code MOVING TRAFFIC VIOL		
Charge Description RECKLESS DRIVING 1ST OFF			

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**Bond Set by Court**

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

**Probable Cause**

On November 23th, 2022 at approximately 3:31pm I was dispatched to a BOLO (Be on The Look Out For) for a blue sedan that was traveling southbound on Interstate 95 (State Road 9) in the northbound lanes at Southern Blvd (State Road 80). It's important to note: A BOLO for the same vehicle traveling against traffic in the same exact area came out approximately 45 minutes prior, however the area was checked and yielded no results. I responded to the BOLO in my fully marked Florida Highway Patrol Police vehicle (#1438 Vin:2C3DXAT9HH567094 Speedometer calibration Date:6/6/22 from Lantana Sub Station located just east on Lantana Rd. (County Road 812).

I proceeded northbound on Interstate 95 to locate the blue sedan. I was able to locate the blue sedan stopped on the right outside shoulder of Interstate 95 north of State Rd. 80 facing north. While initially approaching the blue sedan with Trooper Villiran (Badge #4920), the blue sedan began moving northwest off the shoulder and back into the roadway. The blue sedan turned completely around and began heading back southbound in northbound lanes. Trooper Villarin and I attempted to box in the blue sedan, trooper Villarin occupied the outside lanes while I occupied the inside lanes. The blue sedan came to a stop on the left inside shoulder of the northbound lanes north of State Road 80 facing south. The driver was later identified by Florida Drivers License as Blake Hunter Wagner (DL: W-256-068-79-263-0, W/M, DOB:7/23/1979) The blue sedan was later identified by attached Florida tag #QXNE25 as a (blue 2021Toyota Camry 4d sedan) out Palm City registered to a Robert and Beth Wagner.

The driver (Mr. Blake Hunter Wagner) of the blue sedan was advised to step out of the vehicle. Upon beginning to approach Mr. Wagner, he appeared to be sweating profusely and portray a hypervigilant demeanor which based on my training and experience is indicative of drug use. While I approached Mr. Wagner, Trooper Villarin instructed him to kneel and place his hands behind his back, I then detained the driver due to my immediate observations regarding officer safety reasons. Mr. Wagner seemed to have a hard time understanding simple commands, he appeared to be in a confused and/or altered state of mind but simultaneously energetic, which again is indicative of drug use. Mr. Wagner was then escorted to the rear seat of my patrol vehicle so that Trooper Villiran and I could clear the roadway to further asseses the situation in a safe manner. While speaking with Mr. Wagner, I observed glassy eyes and pinpoint pupils, he was sweating profusely, and when asked questions he spoke with slurred speech. I asked Mr. Wagner if he had any injuries or took anything to

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which he advised no, however he currently had a prescription for Adderall and Xanax. When asked if he was aware of his current location, Mr. Wagner stated that he was in Broward County and on Broward Blvd. It is important to further note: when exiting his vehicle, Mr. Wagner stated that he was looking for his son.

After briefly speaking with Mr. Wagner, I re-approached his vehicle and observed a small black container in the center console cup holder which is commonly associated with holding marijuana joints. Furthermore, based on my training and experience I could smell fresh marijuana emanating from within the vehicle. I returned to my patrol vehicle and advised Mr. Wagner to step out, I released him from the handcuffs (as I was removing the handcuffs, I advised Mr. Wagner to roll his right arm out and he attempted to roll the left arm which was still handcuffed) to continue speaking with him now that the situation was completely under control and made safe. I advised Mr. Wagner that I believe he is under the influence of drugs and/or alcohol and asked if he would be willing to perform voluntary standardized field side sobriety exercises (SFSE's) to determine his level of impairment. Mr. Wagner initially responded no, to which I advised that I then have to make a decision based on the totality of circumstances and according to my investigation so far. However, Mr. Wagner shortly changed his mind. I advised Mr. Wagner that I would transport him off the highway to a safe location to conduct the exercise. Sgt. Alarcon and I transported Mr. Wagner off Interstate 95 to the parking lot of City Furniture located just west off Interstate 95 on Okeechobee Blvd (State Road 704). Just prior to transporting Mr. Wagner I conducted a thorough inventory of his vehicle incident to tow which yielded the following:

1 vape pen with a glass cartridge containing an unknown substance, based on my training and experience the substance appeared to be a synthetic marijuana concentrate. This was located on Mr. Wagner's person.

2 unopened boxes containing THC marijuana concentrates. Brand named Crown. Each box contains 759.58mg of THC marijuana concentrate. These were located in Mr. Wagner's opened bag which was on the passenger seat.

1 smoked joint. This was located in a round black container commonly used for storing joints. The container was labeled with the brand Moon Rocket and contained THC marijuana. The container was located in the center console cup holder in plain view.

1 unopened, round black container containing THC marijuana gummies. This was labeled with the brand name Kiva Lost Farm and contains 100mg of THC. This was located in Mr. Wagner's open bag on the passenger seat.

1 unopened white box containing a vape cartridge (synthetic marijuana concentrate). The box was labeled with the brand name Private Reserve and contains 934.4mg of THC marijuana concentrate.

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1 pill (Adderall) confirmed by Pill Identifier.com  
 1 pill (Alprazolam, which is a Benzodiazepine) confirmed by Pill Identifier.com  
 Both were located in a small round, rubber, green and yellow which was also found within Mr. Wagner opened bag. There were no prescription bottles found any were in the vehicle for either of these, both are controlled substances that require a prescription.

1 silver round container containing a small amount of a green leafy substance which based on my training and experience appeared to be marijuana.

Prior to administering the voluntary SFST's, I advised Mrs. Wagner to stand in the starting position with his feet together and hands at her sides. I asked Mrs. Wagner if he wore contacts or glasses to which he replied no. I also asked Mr. Wagner again if he took or drank anything, or if he had any current medical conditions or injuries I needed to be aware of. Mr. Wagner advised that he did have a herniated disc. I then asked if he could clearly see the tip of my finger and red light that was being used as a stimulus to which he replied yes. Each exercise was explained and demonstrated prior to Mr. Wagner attempting to perform the exercises. Video and audio footage are available upon request. 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.

**Horizontal Gaze Nystagmus Exercise**

(a pen with red light was used as a contrasting stimulus)

- I checked for resting nystagmus: This was not observed in both eyes:
- I checked for equal pupil size and equal tracking: Both pupils appeared to be equal in size.
- I checked for equal tracking: Both eyes did not track appropriately.
- 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
- I did not observed vertical gaze nystagmus in both eyes.

It's important to note: During these exercises Mr. Wagner had to be advised to keep his eyes on the stimulus. Mr. Wagner's eyes seemed to wander off the stimulus. Mr. Wagner also swayed slightly, and I had to advise him to remember to keep his hands at his sides.

**Walk and Turn Exercise**

(Mr. Wagner was asked if he agreed if the ground was a flat surface to which he agreed. A white lane line was utilized as a straight line.)

- Unable to maintain starting position.
- Used arms for balance.

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It's important to note: during these exercises Mr. Wagner advised that he understood the instructions however but was unable to correctly maintain the starting position the entire time even while I was demonstrating the exercises. When I advised Mr. Wagner to begin the exercises, he simply stood there for a few seconds while staring off in front of him. I advised Mr. Wagner to complete the exercise to which he stated that he did not want to continue. I explained to Mr. Wagner that I would then have to make a decision based on my investigation so far.

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Blake Hunter Wagner 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 and/or 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 at approximately 4:14am for the above offense and handcuffed behind his back, then placed in the rear right seat of my patrol vehicle. I searched Mr. Wagner prior to him being transported to the Palm Beach Breath and Alcohol Testing (BAT) Facility.

I transported Mr. Wagner to Palm Beach BAT facility with no further incidents. Mr. Wagner underwent a 20-minute observation period where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning the observation period. Mr. Wagner blew 0.000's, he was then asked to submit urine for analysis but refusal at approximately 5:04am. Mr. Wagner was read Implied Consent Warning (See BAT video footage for a complete account of the question and answering segment). Mr. Wagner was then booked into Palm Beach county jail with no further incident. All evidence was transported to Lantana Sub Station, Troop L in Palm Beach.

All events occurred in Palm Beach County, State of Florida.

**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**


Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406
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Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
VILLARIN, JENNIFER TPR 4902	ASSISTING	FLORIDA HIGHWAY PATROL FHPL\LRCC\PALM BEACH\BROW LN TO SR804
ZIMMERMAN, JONATHAN TPR 5061	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LRCC\PALM BEACH\BROW LN TO SR804

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

**Reporting Officer**

Officer Name ZIMMERMAN, JONATHAN	Office Rank TPR	Officer ID No 5061	Sworn and subscribed before me, the undersigned authority This the <u>23</u> day of <u>November</u> , <u>2022</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature 		Date <u>11/23/2022</u>	

<input type="radio"/> No Bill / Petition	<input type="radio"/> Issue Warrant	<input type="radio"/> Prosecution Approved	Signature of Assistant State Attorney	Date
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NOT A CERTIFIED COPY

Vehicle Tow

CASE NUMBER  
**FHP22ON0606669**

DATE / TIME <b>11/23/2022 4:03:03 AM</b>	COUNTY <b>PALM BEACH</b>	CITY <b>PALM BEACH</b>	OTHER NUMBER	CITATION / REPORT
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**NO HOLD - MAY BE RELEASED**

OWNER	NAME (FIRST MIDDLE LAST SUFFIX) / BUSINESS NAME <b>BLAKE HUNTER WAGNER</b>				
	ADDRESS <b>2849 SW BRIGHTON WAY</b>		CITY <b>PALM CITY</b>	STATE ZIP CODE <b>FL 34990</b>	TELEPHONE
	<input type="checkbox"/> OWNER PRESENT OR <input type="checkbox"/> OWNER NOTIFICATION ATTEMPTED		OWNER NOTIFICATION ATTEMPTS:		<input type="checkbox"/> OWNER NOTIFICATION SUCCESSFUL

DRIVER	NAME FIRST <b>BETH</b>	NAME MIDDLE <b>P</b>	LAST NAME <b>WAGNER</b>	SUFFIX NAME
	ADDRESS <b>2849 SW BRIGHTON WAY</b>		CITY <b>PALM CITY</b>	STATE ZIP CODE <b>FL 34990-0000</b>
	TELEPHONE			

CMV	CARRIER NAME				
	ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE

VEHICLE / TRAILERS	YEAR	MAKE	MODEL	VEHICLE STYLE	VEHICLE COLOR	TAG STATE / NUMBER	VIN	ODOMETER
	<b>2021</b>	<b>TOYOT</b>	<b>CAMRY</b>	<b>4D</b>	<b>BLU</b>	<b>FL QXNE25</b>	<b>4T1G11AK0MU656613</b>	
	CIC ENTRY <b>NOT APPLICABLE</b>		RED TAG DATE / TIME		ID NUMBER	NAME		
	REASON VEHICLE TOWED <b>ARREST</b>							

POWER UNIT	MAKE	YEAR	COLOR	UNIT NO.	VEHICLE IDENTIFICATION NO.	TAG NO.	STATE	EXP. DATE
TRAILER 1	MAKE	YEAR	COLOR	UNIT NO.	VEHICLE IDENTIFICATION NO.	TAG NO.	STATE	EXP. DATE
TRAILER 2	MAKE	YEAR	COLOR	UNIT NO.	VEHICLE IDENTIFICATION NO.	TAG NO.	STATE	EXP. DATE

TOW	TOW SELECTION TYPE <b>ROTATION WRECKER</b>	LOCATION VEHICLE INVENTORIED / TOWED FROM <b>NB INTERSTATE 95 SR-9 NOF SOUTHERN BLVD</b>
	TOWING SERVICE <b>SHEEHAN TOWNING</b>	DAY TELEPHONE <b>561-659-0758</b>
	ADDRESS <b>1263 ROWBUCK CT, WEST PALM BEACH, FL 33401</b>	CITY / STATE / ZIP

STORAGE	VEHICLE STORAGE LOCATION <b>SHEEHAN TOWNING</b>	DAY TELEPHONE <b>561-659-0758</b>
	ADDRESS <b>1263 ROWBUCK CT, WEST PALM BEACH, FL 33401</b>	CITY / STATE / ZIP
	NIGHT TELEPHONE	

VEHICLE INVENTORY & DAMAGE	<input type="checkbox"/> CELLULAR PHONE (MAKE/MODEL)	<input checked="" type="checkbox"/> WHEEL COVERS QTY 4	INDICATE VEHICLE DAMAGE  <input type="checkbox"/> NO DAMAGE	MARK AREA OF DAMAGE <input type="checkbox"/> UNDERCARRIAGE <input type="checkbox"/> OVERTURN <input type="checkbox"/> WINDSHIELD <input type="checkbox"/> FIRE <input type="checkbox"/> TRAILER
	<input type="checkbox"/> RADAR DETECTOR (MAKE/MODEL)	<input checked="" type="checkbox"/> CUSTOM RIMS QTY 4		
	<input type="checkbox"/> STEREO SYSTEM (RADIO / CD / TAPE, ETC.)	NUMBER OF TIRES (INCLUDE SPARE) 5		
<input type="checkbox"/> CB RADIO / 2 WAY RADIO	<input checked="" type="checkbox"/> TRUNK ACCESSIBLE			
<input type="checkbox"/> TRAILER HITCH	<input type="checkbox"/> REAR SPOILER			
PROPERTY IN VEHICLE <b>MISC CLOTHING, BLACK BLACK PACK, BLAKC SUIT CASE, MISC TOOLS.</b>				

OFFICER COMMENTS

**NO HOLD - MAY BE RELEASED**

WE THE UNDERSIGNED OFFICER(S) AND TOW DRIVER, HEREBY CERTIFY THAT THE ABOVE LISTED JOINT PROPERTY INVENTORY IS CORRECT TO THE BEST OF OUR KNOWLEDGE.

*JV*

SIGNATURE OF TOW TRUCK DRIVER	DATE	SIGNATURE OF OFFICER	RANK AND NAME OF OFFICER	ORG / UNIT	I.D. NUMBER
		<i>JV</i>	<b>TPR VILLARIN, JENNIFER L</b>		<b>4902</b>
PRINTED NAME OF TOW TRUCK DRIVER					

# TESTING FACILITY TASK REPORT

AGENCY: FHP-L TRP. ZIMMERMAN #5061

SUBJECT: WAGNER, BLAKE H.

CASE NUMBER: 22-132284

DATE: 11-23-22

VIDEO DVD NUMBER:

BEGINNING TIME: 04:53 HRS

ENDING TIME: 05:15 HRS

BREATH TESTS RESULTS: 1) .000 TIME 04:58 A.M.  P.M.  2) .000 TIME 05:01 A.M.  P.M.   
3) TIME A.M.  P.M.  4) TIME A.M.  P.M.

BREATH OPERATOR: S.O'NEAL #6212

MAINTENANCE TECHNICAN: J. KARLECKE #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: MUMBLED

ATTITUDE: CALM, COOPERATIVE

CLOTHING: SHIRT- CREME/PRINT SHORTS- KHAKI GREEN

MEDICAL CONDITIONS: HERNIATED DISC

MEDICATIONS: ATTEROL, XANAX

## OTHER:

EYES: A LITTLE RED, VERY GLASSY, DIALATED

## COMMENTS:

20 MIN. OBSERVATION DONE BY A/O ZIMMERMAN #5061  
A/O REQUESTED THE BREATH TEST.  
D SUBMITTED TO THE REQUEST.  
D COMPLETED THE TEST CORRECTLY.  
EXPALINED THE BREATH RESULTS TO THE D.  
A/O REQUESTED THE URINE SAMPLE ON CAMERA.  
D REFUSED THE URINE REQUEST. A/O READ THE IMPLIED CONSENT ON CAMERA.  
D UNDERSTOOD THE I/C AS READ.  
D STILL REFUSED THE REQUEST AFTER THE I/C WAS READ TO HIM.  
URINE REFUSED 05:04 HRS.  
C/W READ ON CAMERA TO THE D.  
D ANSWERED Q&A.



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

PBSO CASE # 22-132284 PBSO ZONE 1-12

AGENCY CASE # FHP220N0605669. CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 3:40am DATE 11/23/2017 DAY wed.

SUBJECT'S NAME Blake Hunter Wagner RACE W SEX M

HGT 5'11" WGT 200lbs DOB 7/23/1979

LOCATION NB I-95(SR9) N of Southern Blvd (SR80)

ARRESTING OFFICER'S NAME & ID J. Zimmerman 5061 AGENCY FHP

DIVISION: Troop L

NOTIFIED BY COMMO ✓

ARRIVAL AT FACILITY 0430 HRS

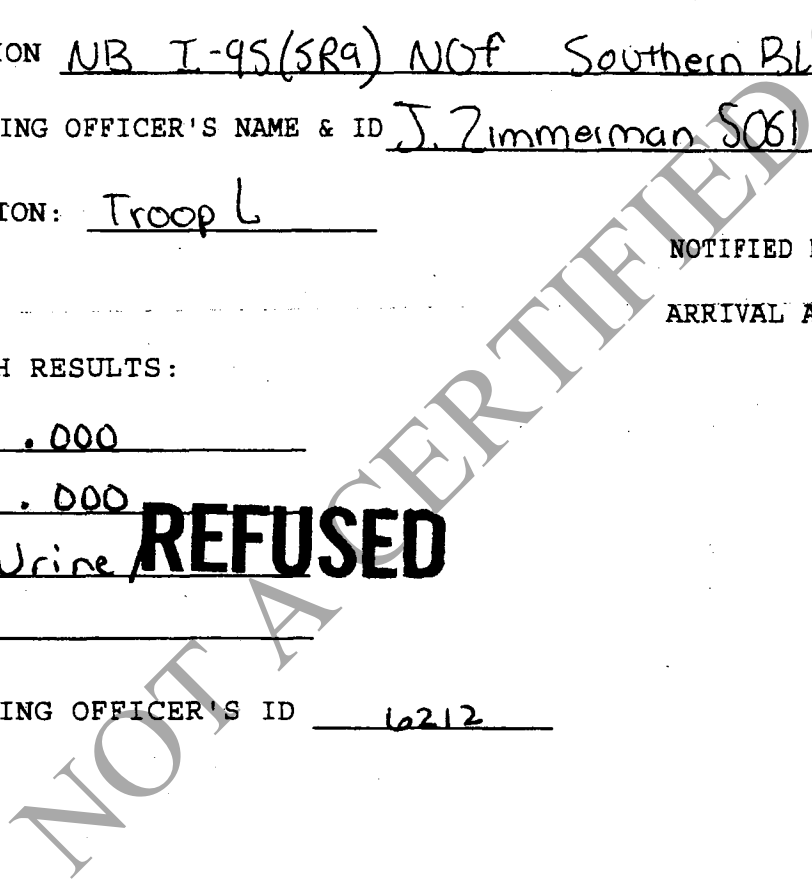
BREATH RESULTS:

Arrest Time 04:14

- 1. .000
- 2. .000
- 3. Urine
- 4. \_\_\_\_\_

**REFUSED**

TESTING OFFICER'S ID 6212



SUBJECT: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

# QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? yes

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? I-95

DIRECTION OF TRAVEL? SB WHERE DID YOU START? Palm city florida

WHAT TIME DID YOU START? 1:30am WHAT TIME IS IT NOW? 4:30am

WHAT IS TODAY'S DATE? 23rd WHAT DAY OF THE WEEK IS IT? wed.

WHAT COUNTY AND CITY ARE YOU IN NOW? broward county (fort lauderdale)

WHEN DID YOU LAST EAT? 6:00pm WHAT DID YOU EAT? Sandwich

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Traffic stop

HOW MUCH DO YOU WEIGH? 200lbs HAVE YOU BEEN DRINKING? no WHAT? n/a

HOW MUCH? n/a WHERE? n/a WITH WHOM? n/a

WHEN DID YOU HAVE YOUR FIRST DRINK? n/a AND YOUR LAST DRINK? n/a

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? n/a

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? n/a ARE YOU UNDER THE INFLUENCE? no

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? no HOW MUCH? n/a

WHAT? n/a WHERE? n/a WHEN? n/a

WHAT LINE OF WORK ARE YOU IN? insurance (medicale) WHEN DID YOU LAST WORK? now

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? no<sup>yes</sup> WHAT? n/a herniated disc

ARE YOU SICK OR INJURED? no WHAT'S WRONG? no

DO YOU LIMP? no DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? no

WERE YOU IN AN ACCIDENT TODAY? no

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? yes earlier today WHEN? noon

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? no WHO? n/a WHY? n/a

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? yes WHAT? aderal WHEN? aderal this morning

DO YOU HAVE:	EPILEPSY?	<u>no</u>	<u>Zanax</u>
	GLASS EYE?	<u>no</u>	
	FALSE TEETH?	<u>no</u>	
	EAR INFECTION?	<u>no</u>	
	INNER EAR TROUBLE?	<u>no</u>	
	DIABETES?	<u>no</u>	

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? Some blurriness at

DO YOU TAKE INSULIN? no IF SO, WHEN WAS YOUR LAST INJECTION? n/a night

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? yes WHERE? colorado

INTERVIEWER: TPR. J. Zimmerman S081.

SUBJECT: Wagner, Blake H. CASE NUMBER: FHP 22ON 0605669

## 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 Trp. Zimmerman #5061 of the FHP

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  NO Do you still refuse to submit to this test?  YES  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  NO Do you still refuse to submit to this test? YES  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) Read on Camera

WHITE: STATE ATTY.

YELLOW: DHSMV

PINK: CENTRAL RECORDS

GOLD: JAIL

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: 11/23/2022

Date of Last Agency Inspection: 11/18/2022  
Observation Period Began: 04:30  
Subject's Name: BLAKE H WAGNER

DOB: 07/23/1979 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	04:56
Air Blank	0.000	04:57
Control Test	0.080	04:57
Air Blank	0.000	04:57
Subject Sample #1	0.000	04:58
Air Blank	0.000	04:58
Air Blank	0.000	05:00
Subject Sample #2	0.000	05:01
Air Blank	0.000	05:01
Control Test	0.080	05:01
Air Blank	0.000	05:02
Diagnostics Check	OK	05:02

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 SHARI L O'NEAL, 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: S. O'Neal Date: 11-23-22  
Signature

Sworn to (or affirmed) before me this 23 day of November, 2022

Signature of [Signature] Notary Public-State of Florida

Printed Name of Notary Public-State of Florida Trp. J. Zimmerman #5061

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 – 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: 2022030343	Date: 11/23/2022
	Specialist Name/ID: T.Howard/7185