

0536318

28 OCT 1987 3SB

1331

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias		1 Juvenile N	
Agency ORI Number FL 0500300		Agency Name BOYNTON BEACH POLICE DEPT.		Agency Report Number 34-22-013883			
Charge Type: Check as many as Apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		If Weapon Seized Enter Type		Multiple Clearance Indicator			
Location of Arrest (Including Name of Business) GATEWAY BLVD/CONGRESS AVE BOYNTON BEACH FL 33426		Location of Offense (Business Name, Address) GATEWAY BLVD/CONGRESS AVE BOYNTON BEACH FL					
Date of Arrest 11/29/2022	Time of Arrest 0956	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle	
Name (Last, First, Middle) FRIEDMAN, DONNA, MARIE		Alias (Name, DOB, Soc. Sec. #, Etc)					
W - White B - Black	I - American Indian O - Oriental / Asian	Race W	Sex F	Date of Birth 06/30/53	Height 505	Weight 120	Eye Color HAZEL
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) NONE		Marital Status SINGLE		Religion UNK		Complexion FAIR	
Build MED		Indication of: Alcohol Influence ☐ N ☐ Y Drug Influence ☐ N ☐ Y		Residence Type 1. City 3. Florida 2. County 4. Out of State		2	
Local Address (Street, Apt. Number) 2850 S OCEAN BLVD UNIT 208		(City) PALM BEACH		(State) FL		(Zip) 33480	
Permanent Address (Street, Apt. Number) SAME AS LOCAL		(City)		(State)		(Zip)	
Business Address (Street, Apt. Number)		(City)		(State)		(Zip)	
D/L Number, State F635173537300		Soc. Sec. Number		INS Number		Place of Birth ALBANY GA	
Citizenship YES		Co-Defendant Name (Last, First, Middle)		Race		Sex	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth	
☐ Parent ☐ Legal Custodian ☐ Other		Name (Last)		(First)		(Middle)	
Address (Street, Apt. Number)		(City)		(State)		(Zip)	
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 561-355-2526) informed of any change of address: ☐ Yes, By: (Name) ☐ No: (Reason)		School Attended		Grade	
Property Crime? ☐ Yes ☐ No		Description of Property		Value of Property			
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			
Charge Description DUI WITH PROPERTY DAMAGE		Counts 1		Domestic Violence ☐ Yes ☒ No		Statute Violation Number 316.193 (3)(A)(B)(C)(1)	
Drug Activity		Drug Type		Amount/Unit		Offense # 22-013883	
Charge Description		Counts		Domestic Violence ☐ Yes ☒ No		Statute Violation Number	
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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 29 DAY OF November 2022 AT 0852 ☒ A.M. ☐ P.M.

CASE #: 22-013883

DEFENDANT: FRIEDMAN, DONNA, MARIE

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

BBPD Dispatch received a call for a reckless driver from Lantana PD in reference to a Silver Mercedes C300 FI tag PGQY78 last observed westbound on Gateway Blvd from Federal Hwy. The caller advised the driver was falling asleep at the wheel and was running up on curbs and swerving into multiple lanes. I responded to the area from out west on Gateway Blvd heading eastbound. Around the 1200 block of W Gateway Blvd, I observed a Silver Mercedes traveling westbound on Gateway Blvd occupied by a white female. The vehicle was traveling between lanes of travel westbound from the center to the left lane. Let it be noted that this occurred within the City of Boynton Beach, Palm Beach County Florida.

Upon arrival in the area of Gateway Blvd and N Congress Ave, I observed a white Nissan stopped at the red light with a silver Mercedes behind it and another vehicle behind the Mercedes. I observed, the witness, W/M Gerald Gumpert out of his vehicle attending to the female driver of the Mercedes who was now standing next to her vehicle. I observed the female to be unstable on her feet and she was using her vehicle to balance herself. Gumpert advised he observed the female driving the Mercedes crash into the Nissan that was stopped at the light. Gumpert went on to say he has been trying to call 911 but was able to get through and that the Mercedes was driving all over the road from the area of Gateway Blvd and SR 9 westbound. Gumpert advised the vehicle was swerving from lanes to lanes (center to left lane) where she was hitting the curbs. Gumpert advised it was obvious the driver was impaired by her driving patterns.

I then made contact with the driver of the Mercedes, sole occupant, W/F Friedman, Donna DOB 06/30/53 and identified myself. I asked Friedman if she was ok. Friedman's speech was delayed and slurred and she had pin point glassy eyes. Friedman was unstable on her feet and used her vehicle to hold herself up.

Ofc Mastro arrived on scene and completed a crash investigation. Once Ofc Mastro had completed his crash investigation, I advised Friedman who I was again and that the crash investigation was complete. I advised Friedman I was not conducting a criminal investigation as I believed she was operating a motor vehicle while impaired. Friedman was read her Miranda Rights which she advised she understood. I confirmed Friedman's name and information. Based on the above observations from the witness, calls to dispatch advising of the driving patterns, my visual observations, Friedman crashing her vehicle, I requested Friedman to submit to a series of Field Sobriety Tasks to determine if she was operating a motor vehicle while under the influence of an alcoholic beverage/ unknown chemical substance/s. Friedman advised she would submit to the tasks. Friedman was escorted by Ofc Daley to the parking of 1500 W Gateway Blvd so we were not in lanes of travel on Gateway Blvd.

HORIZONTAL GAZE NYSTAGMUS:

- ☒ Left eye does not follow smoothly
- ☒ Left eye prior to 45 degrees
- ☒ Distinct jerking in left eye at maximum deviation
- ☐ Vertical Nystagmus in left eye

- ☒ Right eye does not follow smoothly
- ☒ Right eye prior to 45 degrees
- ☒ Distinct jerking in right eye at maximum deviation
- ☐ Vertical Nystagmus in right eye

WALK AND TURN:

This exercise was explained and demonstrated to Friedman. Friedman advised she understood. Friedman could not keep her balance while listening to instructions and kept stepping out of position, missed every heel to tow, stepped off the line numerous times, incorrectly turned, and used her arms for balance while walking and stumbled while walking.

ONE LEG STAND:

This exercise was explained and demonstrated to Friedman. Friedman advised she understood. Friedman swayed while balancing while standing with her feet together, used her arms to balance, put her foot down at least 5 times and only counted to 8 during the 30 second period.

FINGER TO NOSE:

This exercise was explained to Friedman. Friedman advised she understood. Friedman began and missed the left and right finger to nose, was able to touch her nose on the second left, and then missed the remaining 3 finger to nose attempts.

ROMBERG/ALPHABET:

This exercise was explained to Friedman. Friedman advised she understood. Once the task started, Friedman proceeded to lower her head back down while reciting the alphabet.

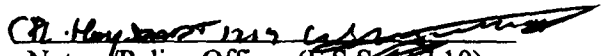
Based on the above facts I've established probable cause for the arrest of Friedman, Donna, Marie with the charge of Driving Under the Influence causing Property Damage pursuant with F.S.S. 316.193 (3)(A)(B)(c)(1). Friedman was placed into cuffs and transported to PBSO for further processing.

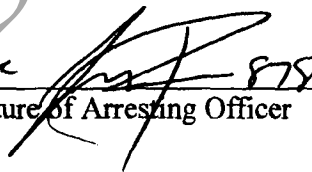
Upon arrival at the PBSO BAT (1037 hours), a 20-minute observation was conducted on Friedman. During this time, Friedman did not consume any liquid or items into her mouth. After the 20-minute observation, I requested Friedman to submit to a lawful test of her breath for the purpose of determining its alcohol content. Friedman advised yes. Friedman results were as follows, 1st breath result .000 and the second breath result was .000. I then requested Friedman to provide a sample of her urine to determine the contents to determine if she was operating a motor vehicle while impaired. Friedman advised yes. Friedman was then read her Rights which she advised she understood. I asked Friedman if she would answer questions and she advised yes. (see questions and answers). Friedman was then escorted to the booking cell at which time I removed the handcuffs from Friedman. Friedman provided a urine sample which was submitted to BBPD evidence. Friedman was medically cleared at Good Samaritan Emergency center and then upon completion of my paperwork, Friedman was TOT to Palm Beach County Jail. Pending Toxicology results.

The following instrument was sworn to before me this

29 day of November 2022

By: _____


Notary/Police Officer (F.S.S. 417.10)


Signature of Arresting Officer



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

PBSO CASE # 22-134153 PBSO ZONE 6-11

AGENCY CASE # 22-013883 CRASH CASE # 22-013883

TIME OF STOP/CRASH 0851 DATE 11/29/2022 DAY

SUBJECT'S NAME FRIEDMAN DONNA MARFIE RACE WHITE SEX FEMALE
LAST FIRST MID

HGT 505 WGT 120 DOB 06/30/1953

LOCATION GATEWAY BLVD AND CONGRESS AVE

ARRESTING OFFICER'S NAME & ID OFC RINI 878 AGENCY BOYNTON BEACH PD

DIVISION: TRAFFIC

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 1037 HOURS

ARREST TIME 0956 HOURS

BREATH RESULTS:

1)	.000
2)	.000
3)	Urine
4)	

TESTING OFFICER'S ID 11183 PBSO VIDEOTAPE # nh

TESTING FACILITY TASK REPORT

AGENCY: BBPD

SUBJECT: Friedman, Donna M

CASE NUMBER: 22-134153

DATE: Nov 29, 2022

VIDEO DVD NUMBER: n/a

BEGINNING TIME: 1107

ENDING TIME: 1125

BREATH TESTS RESULTS: 1) .000 TIME 1112 A.M. ☒ P.M. ☐ 2) .000 TIME 1115 A.M. ☒ P.M. ☐
3) n/a TIME 0 A.M. ☐ P.M. ☐ 4) n/a TIME 0 A.M. ☐ P.M. ☐

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICIAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: thick, slow

ATTITUDE: compliant, calm

CLOTHING: blue jeans, black l/s shirt, white sneakers

MEDICAL CONDITIONS: Afib, Cut finger, blood pressure, asthma

MEDICATIONS: Metropolol, Xeralto, Sulfamethane, Abrio, Zymbacort

OTHER:

eyes were glassy & bloodshot

COMMENTS:

arrived at center A/O conducted 20 observation period at 1037 hrs
subject agreed to perform breath test
subject completed breath test
tech read breath test results & subject understood breath test results
A/O requested urine sample @ 1117
subject agreed to provide urine sample
A/O read I/C & subject understood I/C
subject agreed to provide urine sample @ 1118
A/O read rights & subject understood rights
A/O conducted Q&A
subject answered questions
subject provided urine sample @ 1130

**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: 11/29/2022

Date of Last Agency Inspection: 11/18/2022

Observation Period Began: 10:37

Subject's Name: DONNA M FRIEDMAN

DOB: 06/30/1953 Sex: F

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	11:09
	Air Blank	0.000	11:10
	Control Test	0.080	11:10
	Air Blank	0.000	11:11
	Subject Sample #1	0.000	11:12
	Air Blank	0.000	11:12
	Air Blank	0.000	11:14
	Subject Sample #2	0.000	11:15
	Air Blank	0.000	11:15
	Control Test	0.080	11:15
	Air Blank	0.000	11:16
	Diagnostics Check	OK	11:16

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 THOMAS H LEAHEY, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: T Leahey Date: 11/29/2022
Signature

Sworn to (or affirmed) before me this 29 day of November, 2022

WPE Amy D 878 DE L Rini #878
Signature of Notary Public-State of Florida 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.

CASE #: 22-013883

DEFENDANT: FRIEDMAN, DONNA, MARIE

Arresting Officer: Ofc Rini

Address: 100 E. Boynton Beach Boulevard Boynton Beach, Fl. 33435

Phone Numbers: Home: _____ Work: (561) 742-6100

Name: Ofc RINI

Address: 2100 High Ridge Rd Boynton Beach Fl 33436

Phone Numbers: Home: _____ Work: 561-742-6853

Can testify to: THE INCIDENT

Name: OFC MASTRO

Address: 2100 High Ridge Rd Boynton Beach Fl 33436

Phone Numbers: Home: _____ Work: 561-742-6100

Can testify to: THE INCIDENT

Name: OFC DALEY, JERVIS

Address: 2100 HIGH RIDGE RD Boynton Beach Fl 33436

Phone Numbers: Home: _____ Work: 561 742 6100

Can testify to: THE INCIDENT

Name: GERALD GUMPERT

Address: 9145 CLAYTON MNR BOYNTON BEACH FL 33473

Phone Numbers: Home: _____ Work: 561 466 2171

Can testify to: THE INCIDENT

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: _____

SUBJECT:

F. [unclear] [unclear] 101

CASE NUMBER:

72-013883

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 ☒ 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) _____

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) _____

SUBJECT: F. ... M

CASE NUMBER: 22-013883

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? 10

WHERE WERE YOU GOING? to ...

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?	<u>...</u>
GLASS EYE?	<u>...</u>
FALSE TEETH?	<u>...</u>
EAR INFECTION?	<u>...</u>
INNER EAR TROUBLE?	<u>...</u>
DIABETES?	<u>...</u>

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: ... 878



**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: 2022030785	Date: 11/30/2022
	Specialist Name/ID: M. Tooks #8557