C535235 375

ARREST / NOTICE TO APPEAR

22CT17906SB

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

1 JUVENILE

ADMINISTRATION

OBTS Number

Agency ORI Number: 0500400

Agency Name: Delray Beach Police Department

Agency Report Number (N.T.A.'s only): 4 0 22-013189

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: UNARMED

Multiple Clearance Indicator: 1

Location of Arrest (Including Name of Business): 1400-BLOCK LAKE IDA RD

Location of Offense (Business Name, Address): 1400 LAKE IDA RD, DELRAY BEACH, FL 33444

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/13/2022	04:31	10/13/2022	04:41	10/13/2022	05:05	WESTWAY TOWING BOCA

DEFENDANT

Name (Last, First, Middle): VELASQUEZ RUIZ, HOOBER

Alias (Name, DOB, Soc. Sec. #, Etc.): Alias:

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	11/19/1975	5'00	135	BROWN	BLACK	OLIVE	SMALL

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):

Marital Status: S

Religion:

Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. Drug Influence ☐ ☐ ☐

Local Address (Street, Apt. Number) (City) (State) (Zip): 2825 NE 2ND AVE, BOCA RATON, FL 33431

Phone: (561) 674-3047

Residence Type: 1. City 3. Florida 2. County 4. Out of State: 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 2825 NE 2ND AVE, BOCA RATON, FL 33431

Phone: (561) 674-3047

Address Source: VERBAL

Business Address (Name, Street) (City) (State) (Zip): ANGELOS, BOCA RATON

Phone:

Occupation: Dishwasher

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
Q25806198 / FF	N/A		MOYOBAMBA, Peru	PE

CO-DEF

Co-Defendant Name (Last, First, Middle) | Race | Sex | Date of Birth | ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

Co-Defendant Name (Last, First, Middle) | Race | Sex | Date of Birth | ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Other: ☐ Legal Custodian

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 Department and Released 2. TOT JAC 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 355-2526) informed of any change of address.

☐ Yes, by: ☐ No:

School Attended: Grade:

Property Crime? ☐ Yes ☒ No Description of Property: Value of Property:

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Disperses/ 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

Charge Description: ~~DUI-ACCOMPANIED BY PERSON UNDER 18 YOA~~ BAC 0.15 or Higher

Statute Violation Number: 316.193(4)

Violation of ORD #:

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	☐ Y ☒ N		

CHARGE

Charge Description:

Statute Violation Number:

Violation of ORD #:

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

CHARGE

Charge Description:

Statute Violation Number:

Violation of ORD #:

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant:

Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries

Explain:

Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☒ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

PROPERTY - Received By | Released By | Released To

Transported By | Date Transported | Time Transported | Other

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court

☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): South County 200 W Atlantic Ave Delray Beach, FL 33444

Court Date and Time: 11/10/2022 08:30:00

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 COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant (or Juvenile and Parent/Custodian)

10/13/22 Date Signed

No Photo Available

ADMIN

HOLD for Other Agency

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Intake Deputy I.D. # Pouch #

Signature of Arresting Officer 1194

Name of Arresting Officer (Print): HERNANDEZ, EDWIN I.D. # 1194

Transporting Officer: E HERNANDEZ I.D. # 1194 Agency DBPD

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X".

PAGE 1 OF 1

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 13th **DAY OF** October, 2022 **AT** 0431 ☒**AM** ☐ **PM**
IN THE CITY OF DELRAY BEACH, **COUNTY OF PALM BEACH, STATE OF FLORIDA**

Case No: 22-013189 **Defendant:** Velasquez Ruiz, Hoober
Agency: Delray Beach Police **Arresting Ofc:** Edwin Hernandez

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATIONS OF DRIVER:

On 10/13/2022, I was requested to assist with a DUI investigation in the 1400-block of Lake Ida Rd. Sgt. Saraceni observed a black passenger car traveling west in the eastbound lanes and conducted a traffic stop. Sgt. Saraceni advised that he could smell the odor of an alcoholic beverage coming from the vehicle and believed the driver may be impaired. He identified the driver by his Peruvian Passport as Hoober Velasquez Ruiz.

I approached Velasquez who was still seated in the driver's seat. Velasquez stated that he was following his GPS to drop off his passenger on NW 10th Ave and got confused by the roadway. Velasquez advised that he was coming from a friends house in the city, where he had a few drinks. Velasquez initially stated that he had three drinks and changed it twice until stating he had 5 or 6 drinks. I could see that Velasquez had glassy eyes and I also smelled the odor of an alcoholic beverage coming from the vehicle. I asked Velasquez to exit the vehicle and he complied. Velasquez swayed while standing, but had no notable issues with balance while walking.

Velasquez only spoke spanish, so I requested the assistance of Sgt. Leon in translating. With Sgt. Leon's assistance, I was able to ask Velasquez if he would perform the Standardized Field Sobriety Tasks and he agreed. Sgt. Leon also assisted during the instructions of each task. The following observations were made. EA

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The foregoing instrument was sworn to before me this 13th day of October, 2022
by Officer Edwin Hernandez

1194
Arresting Officer

SHARI L. O'NEAL
Notary Public - State of Florida
Commission # GG 972080
My Comm. Expires Jun 25, 2024
Bonded through National Notary Assn.

Notary/Police Officer (FSS 117.10)

ROADSIDE TASKS

Case No: 22-013189 **Defendant:** Velasquez Ruiz, Hoober

HORIZONTAL GAZE NYSTAGMUS: 6 **of 6 clues**

Left Eye:	Right Eye:
☒Lack of smooth pursuit	☒Lack of smooth pursuit
☒Distinct & sustained nystagmus at maximum deviation	☒Distinct & sustained nystagmus at maximum deviation
☒Onset prior to 45 degrees	☒Onset prior to 45 degrees

Notes:

Velasquez' eyes were checked for pupil size and equal tracking. Velasquez had difficulty focusing and was reminded multiple times to keep head still throughout the task. Vertical nystagmus was also observed.

WALK AND TURN: 6 **of 8 clues**

This task was explained and demonstrated to Velasquez and he stated he understood. Velasquez could not balance during the instructions and stepped out of position. Velasquez was fast when taking his steps, but missed heel-to-toe and stepped off line multiple times. Velasquez stopped on step 10 before turning by lifting both feet. Velasquez took 9 return steps, still missing heel-to-toe and stepping off line.

ONE LEG STAND: 2 **of 4 clues**

This task was explained and demonstrated to Velasquez, he stated he understood. Velasquez did not understand and the instructions were given again. Velasquez started the excercise as soon as he understood without being told to do so. Velasquez was unable to keep his foot elevated and counted too quickly to easily understand. Velasquez swayed and put his foot down during this task.

FINGER TO NOSE: 4 **of 4 clues**

This task was explained and demonstrated to Velasquez, he stated he understood. Velasquez missed finger to nose on on every attempt by touching his nostrils and using the side or back of his finger. Velasquez had to be reminded to keep his head lifted and eyes closed during this task. Velasquez did not return his arms to the side at any point until instructed to do so and used the wrong hand one time.

ROMBERG/ALPHABET: 2 **of 4 clues**

This task was explained and demonstrated to Velasquez and he stated he understood. Velasquez very quickly recited his Spanish alphabet. Velasquez repeated several letters and omitted others. Velasquez swayed during this task.

Velasquez was handcuffed and taken into custody without incident. I transported Velasquez to the Breath Alcohol Testing facility at the Palm Beach County Jail. Upon my arrival at 0505 hours I completed the required 20-minute observation. I then requested Velasquez provide a sample of his breath for the purpose of determining the alcohol content. Velasquez complied and provided the requested breath samples. The results are: 0.161 and 0.156.

Post-miranda, Velasquez admitted to drinking 5-6 beers at between 11pm and 1am.

Based on the above facts, probable cause does exist to charge Velasquez with one count of DUI pursuant to FSS 316.193(1)(A). Velasquez was issued the following citations: DUI-Enhanced, No Drivers License, and Driving on the wrong side of a divided highway.

Upon completion of the booking process, Velasquez was turned over to Palm Beach County Jail.

The foregoing instrument was sworn to before me this 13th day of October, 2022
by Officer Edwin Hernandez

1194
Arresting Officer

SHARI L. O'NEAL
Notary Public - State of Florida
Commission # GG 972080
My Comm. Expires Jun 25, 2024
Bonded through National Notary Assn.

Notary/Police Officer (FSS 117.10)

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WITNESS LIST

Case No: 22-013189 **Defendant:** Velasquez Ruiz, Hoober

Arresting Officer: Edwin Hernandez
Address: Delray Beach Police Department
Phone Numbers: Home: 561-243-7800 **Work:**

Name: Sgt. Matthew Saraceni
Address: Delray Beach Police Department
Phone Numbers: Home: 561-243-7800 **Work:**
Can testify to: Physical control of the vehicle/Driving Pattern

Name: Sgt. Oscar Leon
Address: Delray Beach Police Department
Phone Numbers: Home: 561-243-7800 **Work:**
Can testify to: Assisted with Translation

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:

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TESTING FACILITY TASK REPORT

AGENCY: DBPD OFC. HERNANDEZ #1194

SUBJECT: VELASQUEZ RUIZ, HOOBER

CASE NUMBER: 22-118406

DATE: 10-13-22

VIDEO DVD NUMBER:

BEGINNING TIME: 05:28 HRS

ENDING TIME: 05:54 HRS

BREATH TESTS RESULTS: 1) .161 TIME 05:36 A.M. ☒ P.M. ☐ 2) .157 TIME 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: SPANISH SPEAKING TRANSLATION DONE BY A/O

ATTITUDE: CALM, COOPERATIVE

CLOTHING: SHIRT- GREY SHORTS- NAVY BLUE, WHITE & RED

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: RED, GLASSY
ODOR OF UNKNOWN ALCOHOLIC BEVERAGE.

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O HERNANDEZ #1194
A/O REQUESTED THE BREATH TEST IN SPANISH.
D SUBMITTED TO THE BREATH REQUEST.
BREATH PROCEDURE EXPLAINED IN SPANISH TO THE D.
D HAD A LITTLE DIFFICULTY, BUT HE EVENTUALLY BLEW CORRECTLY TO COMPLETE THE TEST.
A/O READ THE C/W ON CAMERA IN SPANISH.
BREATH RESULTS EXPLAINED IN SPANISH.
Q&A CONDUCTED IN SPANISH.

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SUBJECT:_____ CASE NUMBER:_____

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)_____

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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: 80-006029 Software: 8100.27
Date of Test: 10/13/2022

Date of Last Agency Inspection: 09/16/2022
Observation Period Began: 05:05
Subject's Name: HOOBER VELAZQUEZ RUIZ DOB: 11/19/1975 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	05:33
Air Blank	0.000	05:33
Control Test	0.081	05:34
Air Blank	0.000	05:34
Subject Sample #1	0.161	05:36
Air Blank	0.000	05:37
Air Blank	0.000	05:38
Subject Sample #2	0.156	05:39
Air Blank	0.000	05:40
Control Test	0.080	05:40
Air Blank	0.000	05:40
Diagnostics Check	OK	05:40

Cylinder Lot: 08622080A1
Exp: 06/05/2024

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: 10/13/22
Signature

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

1194 Ofc. Hernandez # 1194
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.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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

PBSO CASE #: 22-118406 **PBSO ZONE:** 4-12

AGENCY CASE #: 22-013189 **DHSMV CRASH #:**

TIME OF CRASH/STOP: 0343 **DATE:** 10/13/22 **DAY:** Thursday

DEFENDANT: Velasquez Ruiz, Hoober **RACE:** W **SEX:** M

HGT: 500 **WGT:** 135 **DOB:** 11/19/75

LOCATION: 1400-block Lake Ida Rd, Delray Beach, FL 33444

ARRESTING OFC: Edwin Hernandez **ID:** 1194 **AGENCY:** Delray Beach Police

DIVISION: Motors

NOTIFIED BY COMM: /

ARRIVAL AT FACILITY: 0505

TIME OF ARREST: 0431

BREATH RESULTS:
1. .161
2. .156
3.
4.

TESTING OFC. ID: 6212 **PBSO VIDEOTAPE #:** /

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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? _____

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: _____

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