2022CT-01783ANB

ARREST / NOTICE TO APPEAR

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

1 JUVENILE

ADMINISTRATION

OBTS Number

Agency ORI Number: 0501700 | Agency Name: Jupiter Police Department | Agency Report Number (N.T.A.'s only): 5 4 22-004031

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

Location of Arrest (Including Name of Business): 4537 PARKSIDE DRIVE, JUPITER FL 33458

Location of Offense (Business Name, Address): 4001 DONALD ROSS RD/S ALT A1A, JUPITER, FL 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/22/2022	23:02					

DEFENDANT

Name (Last, First, Middle): KIERNAN, JENNIFER LEE

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

Race (W - White, I - American Indian, B - Black, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	F	06/16/1970	5'09	150	BLUE	BLONDE /	LIGHT	Medium

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

Marital Status: S | Religion: OTHER

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

Local Address (Street, Apt. Number) (City) (State) (Zip): 4537 PARKSIDE DR 3002, JUPITER, FL 33458 | Phone | Residence Type: 1. City 2. County 3. Florida 4. Out of State: 1

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 4537 PARKSIDE DR 3002, JUPITER, FL 33458 | Phone | Address Source: VERBAL

Business Address (Name, Street) (City) (State) (Zip) | Phone | Occupation

DL Number, State	INS Number	Place of Birth (City, State)	Citizenship
K655432707160 / FL		WEST PALM BEACH,	U.S.A.

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
				☐ 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	Statute Violation Number	Violation of ORD #
DUI - BAC/BRAC OVER .15 -OR- MINOR IN VEHICLE	316.193(4)	

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 ☐ Suicidal ☐ 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): North County PALM BEACH GARD

Court Date and Time: 11/30/2022 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) Date Signed

No Photo Available

ADMIN

HOLD for Other Agency ☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Signature of Arresting Officer

Name of Arresting Officer (Print): NOBLE, RILEY I.D. #: 1226

Intake Deputy I.D. # Pouch #

Transporting Officer: Noble, Riley I.D. # 1226 Agency JPD

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an X

PAGE 1 OF 1

NOT A CERTIFIED COPY

JOSEPH ABRUZZO PALM BEACH COUNTY CLERK OF THE CIRCUIT COURT

2022 OCT 23 AM 7:37

OCT 23 2022

053T478

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

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

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL 0501700	JUPITER POLICE DEPARTMENT	5 | 4 | 22-004031

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 3. Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
KIERNAN, JENNIFER LEE		W	F	06/16/1970

CHARGES

Charge Description	Charge Description
316.193(4) DUI - BAC/BRAC OVER .15 -OR- MINOR IN VEHICLE	

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
State Of Florida			

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source

Business Address (Name, Street)	(City)	(State)	(Zip)	Phone	Occupation

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and resonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

The Person taken into custody

☐ committed the below acts in my presence.

☐ confessed to _____ admitting to the below facts.

☐ was observed by _____ who told _____ that he/she saw the arrested person committ the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 23 day of October, 2022 at 02:14 (Specifically include facts constituting cause for arrest.)

On Saturday October 22nd, 2022 at approximately 2237 hours, I responded to the area of Donald Ross/S ALT A1A in reference to a careless driver. The caller, Jason Harr (W/M 10/11/1975), stated that a white Toyota Highlander (bearing FL Tag#59CCPW), was all over the roadway and hitting curbs as they traveled westbound on Donald Ross from Military Trail.

I was able to locate the callers silver Mazda who was still behind the careless driver vehicle at Main Street/Crescent Drive. The caller pulled to the side and I got behind the White Toyota. I observed the White Toyota fail to maintain a single lane of travel, drive extremely slow, and roll through the stop signs at the intersection of Main Street/Crescent Drive, University/Main Street, and Main Street/Avenue A. I activated my overhead traffic lights after the vehicle rolled through the 3rd stop sign at the intersection of Main Street/Avenue A. Just as I activated my overhead lights/siren, the White Toyota went up onto the curb and almost struck a vehicle that was traveling in the opposite lane. The vehicle was very slow to stop and I had to continue my siren and honk my front emergency horns to get the vehicle to stop.

I made contact with the driver and sole occupant of the vehicle, Jennifer Kiernan (W/F 06/16/1970). I asked Kiernan why it took her so long to yield to my emergency lights, ran 3 stop signs, and ran off the roadway onto the curb and almost struck the other vehicle. Kiernan could not explain her driving behavior and stated she was not having a medical episode or had any medical issues. Kiernan had slurred slowed speech, blood-shot glassy eyes, slowed motor skills, and the odor of an unknown alcoholic beverage emanating off of her breath that amplified as she spoke. She advised that she was coming from `downtown Jupiter" and had not been drinking or remember running the stop signs or driving up onto the curb. I asked Kiernan to turn off the vehicle and step out, when she did, she appeared uneasy on her feet and was noticeably swaying back and forth. I asked Kieran on a scale of 1-10, 1 being completely sober and 10 being extremely

NOT A CERTIFIED COPY

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER F.S.S. 117.10)

10/23/2022
DATE

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 08/20/2023

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

NOBLE, RILEY (1226)
NAME OF OFFICER (PLEASE PRINT)

10/23/2022
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED
OCT 23 2022

ADMIN

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

1

JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL 0501700	JUPITER POLICE DEPARTMENT	5 4 22-004031

Charge Type: Check as many as apply.
☐ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance
☐ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
KIERNAN, JENNIFER LEE		W	F	06/16/1970

PROBABLE CAUSE STATEMENT

intoxicated where should would put herself. She advised that she would be a 2 and had been drinking, even though she told me before she had not been. Based on the aforementioned events and clear signs of impairment, I requested she participate in Standardized Field Sobriety Exercises to which she agreed.

The first task I began with the Horizontal Gaze Nystagmus task. I instructed Kiernan to stand with her feet touching (heel & toes) and to keep her arms down at her side. I demonstrated to Kiernan that she would be following my stimulus (red light) with her eyes and her eyes only and to keep her head still at all times. Kiernan stated she understood the instructions and was ready for me to continue. Kiernan eyes had no resting nystagmus in either eye and both eyes tracked together equally. I observed lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and onset of nystagmus prior to 45 degrees in both eyes. She did not have vertical Nystagmus in either eye. Kiernan had to be reminded to get back into the standing position multiple times, could not keep focused on the stimulus, and was noticeably swaying back and forth.

The second task was the Walk & Turn. I instructed/demonstrated Kiernan to stand on the white parking line with her left foot on the line with her right foot touching her left foot (heel to toe) with her arms at her side. I instructed/demonstrated Kiernan that this was the starting position, to which she was unable to maintain and continued to sway back and forth and come out of the positon. I instructed/demonstrated Kiernan to take nine heel to toe steps down the line and take a series of small steps then return down the line heel to toe nine steps. While walking down the line, I told her to make sure to count out loud, look at her feet at all times, do not stop walking until she is done, and not to use her arms for balance. Kiernan stated she understood and was ready to begin. Kiernan took 12 steps on the line, stepping off the line on steps 5, 6, 7, 9, 10, 11, &12. She then stopped and was asked if she remembered the instructions, she stated she did and took 4 more steps in the same direction, stepping off the line on step 17. During this task she did not count out loud, made the incorrect number of steps, did not look at her feet, stopped while walking, and did not make a proper turn or turn at all.

The third task was the One Leg Stand. I instructed Kiernan to stand with her feet touching (heel & toes) and to keep her arms down at her side, to which she struggled to keep her heels and toes touching without swaying around. I instructed/demonstrated to Kiernan that she would be raising the leg of her choice approximately 6 inches off the ground while keep her foot parallel to the ground and counting out loud until I told her to stop. After demonstrating she stated she understood. Kiernan did not raise her foot approximately 6 inches off the ground or keep her foot parallel to the ground, she placed her foot down at 9 seconds and stopped counting and stared at me. I asked if she remembered the instructions and she stated she did. She still stood there and stared at me and I asked if she was done with the task and she stated "yes".

NOT A CERTIFIED COPY

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

T. Leahey

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 117.10)

10/23/2022

DATE

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 06/20/2023

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

NOBLE, RILEY (1226)

NAME OF OFFICER (PLEASE PRINT)

10/23/2022

DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED
OCT 23 2022

ADMIN

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

Agency ORI Number	Agency Name	Agency Report Number
FL 0501700	JUPITER POLICE DEPARTMENT	5 | 4 | 22-004031

Charge Type: Check as many as apply.
☐ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance
☐ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
KIERNAN, JENNIFER LEE		W	F	06/16/1970

PROBABLE CAUSE STATEMENT

The fourth task was the finger to nose. I instructed Kiernan to stand with her feet touching (heel & toes) and to keep her arms down at her side with her pointer fingers pointed outward. I instructed/demonstrated Kiernan that I would be calling left (L) or right(R), when I do, with her head tilted back and eyes closed, she would take the tip of the finger I called and touch it to the tip of her nose and was shown the difference between the tip/pad/nail. She stated she understood and did not have any questions. I called out the fingers in the standardized order of L, R, L, R, R, and L. I called "L" and Kiernan used her right finger and placed the middle part of her index finger across her nose. I called "R" and she used her left finger and placed it across her nose. For the last 4, L, R, R, L, Kieran placed her whole index finger across her nose and did not put down her hand as instructed.

The fifth and final task was the Romberg Alphabet. I instructed Kieran to stand with her feet touching (heel & toes) and to keep her arms down at her side. She was instructed to tilt her head back and close her eyes while reciting the alphabet in a non-rhythmical manner. During this task, Kieran rhymed the alphabet, said the alphabet in the correct order and was swaying visibly during the task.

Based on my investigation, observations, and totality of circumstances, I had probable cause to believe that Jennifer Kiernan was in actual physical control of a vehicle while under the influence of an alcoholic beverage, chemical, or controlled substance, to the point where her normal faculties were impaired, contrary to F.S 316.193. She was placed into handcuffs at 2302 hours which were double-locked and checked for proper spacing per department policy.

I then made contact with the original caller, Harr, who was standing by in the area. Harr gave a sworn statement advising that he had followed the White Toyota from US1/Donald Ross road and witnessed the vehicle swerving all over the road, almost struck his vehicle, went over/onto the curb multiple times and ran a red light almost hitting other cars.

I then transported Kieran to the Palm Beach County Breath Alcohol Testing center, arriving at 2340 hours. I placed Kieran under a 20 minute observation period, during which she neither consumed nor regurgitated anything.

We then went on video with BAT technician Leahey #19183. I requested that Kieran provide a breath sample. She agreed and provided two breath samples of .187 and .188. Post Miranda, Kieran admitted to drinking multiple Titos Vodka/Soda water while out to dinner at a place she could not remember the name or where it was located.

I placed Kieran in holding while all necessary paperwork was completed and subsequently booked her into the Palm Beach County Jail. She was given a criminal court date of

NOT A CERTIFIED COPY

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / DEPUTY CLERK (F.S. 117.10)

10/23/2022
DATE

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 06/20/2023

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

NOBLE, RILEY (1226)
NAME OF OFFICER (PLEASE PRINT)

10/23/2022
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED
OCT 23 2022

ADMIN

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

1

JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL 0501700	JUPITER POLICE DEPARTMENT	5 | 4 | 22-004031

Charge Type: Check as many as apply.
☐ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance
☐ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
KIERNAN, JENNIFER LEE		W	F	06/16/1970

PROBABLE CAUSE STATEMENT

11/30/2022, 0830 hours.

Kieran`s vehicle was towed from the scene by Kauffs Towing.

The above incident was captured on BWC. This narrative is a summary of the events and not purported to be verbatim.

NOT A CERTIFIED COPY

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 117.10)

10/23/2022
DATE

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 06/20/2023

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

NOBLE, RILEY (1226)
NAME OF OFFICER (PLEASE PRINT)

10/23/2022
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED
OCT 23 2022

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

PBSO CASE # 22-121718 PBSO ZONE 3-14

AGENCY CASE # 22004031 CRASH CASE #

TIME OF STOP/CRASH 2243 DATE 10/22/2022 DAY Saturday

SUBJECT'S NAME Kiernan (LAST) Jennifer (FIRST) Lee (MID) RACE W SEX F

HGT 5'9 WGT 150 DOB 06/16/1970

LOCATION 4537 Parkside Drive, Jupiter FL 33458

ARRESTING OFFICER'S NAME & ID Noble 1226 AGENCY Jupiter PD

DIVISION:

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 2340

ARREST TIME 2302

BREATH RESULTS:

1) .188
2) .187
3) N/A
4) N/A

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

NOT A CERTIFIED COPY

SCANNED
OCT 23 2022

WITNESS LIST

CASE NUMBER: 22004031

ARRESTING OFFICER: Noble

ADDRESS: 196 Military Trl. Jupiter, FL 33458

PHONE NUMBERS (HOME): _____ (WORK) (561) 746-6201

CAN TESTIFY TO: PC

NAME: Jason Harr

ADDRESS: 12333 79TH CT N, WEST PALM BEACh, FL 33412

PHONE NUMBERS (HOME) 561-312-6981 (WORK) _____

CAN TESTIFY TO: caller of careless driver/driving pattern

NAME: PFC. Flesch

ADDRESS 196 Military Trl. Jupiter, FL 33458

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: back-up officer

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NOT A CERTIFIED COPY

SCANNED
OCT 23 2022

TESTING FACILITY TASK REPORT

AGENCY: JPD

SUBJECT: Kiernan, Jennifer L

CASE NUMBER: 22-121718

DATE: Oct 23, 2022

VIDEO DVD NUMBER: n/a

BEGINNING TIME: 0002

ENDING TIME: 0015

BREATH TESTS RESULTS: 1) .188 TIME 0006 A.M. ☒ P.M. ☐ 2) .187 TIME 0009 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 TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: thick

ATTITUDE: calm, cooperative

CLOTHING: blue/green shorts, blue l/s blouse, brown sandals

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER:

eyes were glassy & bloodshot
odor of unknown alcoholic beverage on breath
subject stated she drank 2 Tito's Vodka/club soda drinks @ restaurant - Q&A

COMMENTS:

arrived at center A/O conducted 20 observation period at 2340 hrs

subject agreed to perform breath test

subject completed breath test

A/O read rights & subject understood rights

tech read breath test results & subject understood breath test results

A/O conducted Q&A

subject answered questions

OCT 23 2022

NOT A CERTIFIED COPY

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: 80-006240 Software: 8100.27
Date of Test: 10/23/2022

Date of Last Agency Inspection: 10/21/2022
Observation Period Began: 23:40
Subject's Name: JENNIFER L KIERNAN DOB: 06/16/1970 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	00:04
Air Blank	0.000	00:04
Control Test	0.080	00:05
Air Blank	0.000	00:05
Subject Sample #1	0.188	00:06
Air Blank	0.000	00:07
Air Blank	0.000	00:08
Subject Sample #2	0.187	00:09
Air Blank	0.000	00:09
Control Test	0.080	00:10
Air Blank	0.000	00:10
Diagnostics Check	OK	00:10

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 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 [signature] Date: 10/23/2022
Signature

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

[signature] DE R Noble # 1226
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

OCT 23 2022

NOT A CERTIFIED COPY

MOBILE EYES AGAINST DRUNK DRIVING

E-MAIL TO: leslie@safetycouncilpbc.org
FAX TO: The Traffic Safety Committee of the Palm Beaches / 561-848-6873

MOBILE EYES CALLER INFORMATION

DATE	MOBILE EYES CALL CAME FROM CELL PHONE NUMBER	TIME OF CALL	CALLER NAME OR CODE NUMBER	CALLER HOME NUMBER
10/22/2022	561-312-6981	2237	Jason Harr	

CALLER'S ADDRESS
12333 79TH CT N, WEST PALM BEACH FL 33412

MOBILE EYES ARREST INFORMATION

OFFICER'S NAME	AGENCY	DATE
Officer Noble 1226	Jupiter Police Department	10/22/2022

OFFENDERS NAME	AGE	SEX	OFFENSE (DUI, ETC.)	OFFENSE NO. (1ST, 2ND, ETC.)	BAC LEVEL
Jennifer Lee Kiernan	52	F	DUI	1st	.188

LOCATION OF ARREST-INCLUDE CITY
4537 Parkside Drive, Jupiter FL 33458

Note: If you don't have a copy of the police report, please provide a citation number or case number below. We cannot process the Mobile Eyes reward without this information.

CITATION NUMBERS	CASE NUMBERS/ REPORT NUMBERS
AH4UQSE	22004031

OCT 23 2022

NOT A CERTIFIED COPY

Administered By: Safety Council of Palm Beach County, Inc.
4152 W. Blue Heron Blvd., Suite 110
Riviera Beach, FL 33404

Phone: 561-845-8233
Fax: 561-848-6873
Email: leslie@safetycouncilpbc.org

Palm Beach County
Law Enforcement Community

SUBJECT: Kirvan, Franklin L. CASE NUMBER: 22004031

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) Kirvan, Franklin L

OCT 23 2022

WHITE: STATE ATTY. YELLOW: [illegible] PINK: CENTRAL RECORDS GOLD: JAIL

PBSO #0129BU REV 04/22

SUBJECT: Kieran Jean Fee L CASE NUMBER: 22004031

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? [illegible] OR

DIRECTION OF TRAVEL? NO WHERE DID YOU START? [illegible]

WHAT TIME DID YOU START? No WHAT TIME IS IT NOW? No

WHAT IS TODAY'S DATE? No WHAT DAY OF THE WEEK IS IT? [illegible]

WHAT COUNTY AND CITY ARE YOU IN NOW? [illegible]

WHEN DID YOU LAST EAT? [illegible] WHAT DID YOU EAT? [illegible]

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? [illegible]

HOW MUCH DO YOU WEIGH? 150 HAVE YOU BEEN DRINKING? Yes WHAT? [illegible]

HOW MUCH? 3 WHERE? [illegible] WITH WHOM? [illegible]

WHEN DID YOU HAVE YOUR FIRST DRINK? [illegible] AND YOUR LAST DRINK? No

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? SIP

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? No ARE YOU UNDER THE INFLUENCE? No

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? No 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? NO WHAT?

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

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? No WHEN?

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No WHO? WHY?

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? WHEN?

DO YOU HAVE: EPILEPSY?
GLASS EYE?
FALSE TEETH? N/C
EAR INFECTION?
INNER EAR TROUBLE? N/C
DIABETES?

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

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION?

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? No WHERE? CA

INTERVIEWER:

SCANNED OCT 23 2022

NOT OFFICIAL COPY

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

PBSO #0129C REV. 9/93

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:	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2022027670	**Date:** 10/23/2022
	Specialist Name/ID: C. Smith/39657

OCT 23 2022

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:	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2022027670	**Date:** 10/23/2022
	Specialist Name/ID: C. Smith/39657

SCANNED
OCT 23 2022