

0532399

Arrest Report

3083

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

22 CT 9716 NB

Report Date / Time 6/18/2022 01:48 AM	Report Number FHP99ARR850667	Case Number/Cad Number FHP22ON0307504 / RCC22IN0452397	Reporting Officer Name TOMAS ANTONIO, ANIBA
Originating Agency ORI FL0509000	Occur Date Time Range 06/18/2022 01:38:13 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description I-95 SB NOF CONGRESS AVE	
Street Number	Street I-95 SB NOF CONGRESS AVE	Apt/Lot/Bldg	City BOCA RATON
		State FL	Zip Code 33435

Defendant

First Name JUSTIN	Middle Name ROBERT	Last Name DURNEY	Suffix	Race WHITE	Sex MALE	Height 510	Weight 195	Hair BLK	Eyes BRO
MNI #	SSN [REDACTED]	Date of Birth 01/30/1990	Age 32	ID Type E	Drivers License or other ID D650436900300	State FL	OCA / Agency ID		
Place of Birth:		SYRACUSE NY USA							
Address * RESIDENCE / 1512 SW 21ST ST , BOYNTON BEACH, FL 33426 /									

Arrest

Arrest Date/Time 6/18/2022 1:56:37 AM	Arrest Location Type JAIL FACILITY	Arrest Location Description I-95 SB NOF CONGRESS AVE	
Street Number	Street I-95 SB NOF CONGRESS AVE	Apt/Lot/Bldg	County PALM BEACH
		City BOCA RATON	State FL
		Zip Code 33435	

Charge : S

Counts 1	Charge 316.193.1a	Bond Amount \$0.00	☐ 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			

Bond Set by Court

Bond Amount	☐ No Bond
Bond Type(s)	

Probable Cause

On 6/18/2022, at approximately 1:41 am, I Trooper Anibal Tomas Antonio (ID# [REDACTED])

Arrest Report

Spand 8101

Report Date / Time 6/18/2022 01:48 AM	Report Number FHP99ARR850667	Case Number/Cad Number FHP22ON0307504 / RCC22IN0452397	Reporting Officer Name TOMAS ANTONIO, ANIBA
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1608) responded to a BOLO (Be On A Look Out) On Interstate 95 (State Road 9) southbound in the area of Woolbright Road. The LWRCC (Lake Worth Regional Communication Center) dispatch advised that a caller was behind a black sedan on Interstate with a possible New York tag # JHR3047. The caller advised LWRCC dispatch that the vehicle hit the wall twice and continued to travel south on Interstate 95.

The LWRCC advised me that the caller behind the vehicle had lost sight of the BOLO vehicle and was last seen approaching State Road 806 (Atlantic Ave). While traveling south on Interstate 95 approaching Atlantic Ave, I observed a black vehicle on the left shoulder on Interstate 95 southbound just north of Atlantic Ave. I went passed the vehicle and went toward the left shoulder. I than began to reverse my marked FHP vehicle to make contact with the vehicle.

The vehicle would then begin to travel back into traffic, and I began to go directly behind the vehicle. The vehicle was a black Lexus bearing a New York tag # JHR3047. The vehicle was traveling in the number 2 lane and began to change lanes from lane 2 to lane 3. The driver of the vehicle began to change lanes and went directly in front of a semi vehicle almost causing a vehicle crash.

I then activated my emergency blue lights and sirens of my marked FHP vehicle to conduct a traffic stop on the vehicle. The vehicle would then come to a complete stop on Interstate 95 southbound just north of Congress Ave on the right shoulder. I then approached the vehicle on its driver side window. The vehicle was sole occupied by the driver who would later be identified with his Florida driver license # D650436900300 as Justin Robert Durney.

I advised Mr. Durney what is going on, he stated that he had a flat tire. I observed that the vehicle had a flat tire on the left rear. Mr. Durney was sweating profusely. Mr. Durney advised me that there was something with his vehicle and was causing him to swerve.

I then asked Mr. Durney to step outside the vehicle and to see if he had a spare tire.

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While speaking to Mr. Durney I was able to smell a faint odor of alcohol emitting from his mouth. I then asked where he was coming from, he stated his friend house. I then asked where you are going, he stated Woolrbright. Mr. Durney appeared to be disoriented and did not know exactly what was going on.

I then asked Mr. Durney if he was willing to perform voluntary field sobriety exercise. He stated for what. I then advised him that I believe that he was under the influence of alcohol, chemical or control substance. He stated for what? Mr. Durney stated that he was changing his tire. I advised him that I conducted a traffic stop on his vehicle because of my observation. He advised me that he was already on the shoulder. Mr. Durney stated that I did not make a traffic stop on his vehicle.

I then asked Mr. Durney again if he was willing to perform field sobriety exercise. He stated no. I then advised him of is Taylor warnings and he still refused to perform field sobriety exercise.

Based on my investigation, I believed the defendant's normal faculties were impaired and he was placed under arrest for DUI at 1:56 am. I then placed him into my marked patrol vehicle. The defendant would then be transported the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility a 20-minute observation period by me was conducted where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). Mr. Durney was then asked to provide a breath sample. Mr. Pierre agreed. Mr. Dureny first breath sample was a .027 and his second sample was a .026. I then requested Mr. Durney to provide a urine sample to determine chemical or control substance. He then stated what happens if I refuse. Florida Implied consent was read. Mr. Durney the agreed to the urines sample. Mr. Durney provided a urine sample at 3: 36 am. Mr. Durney was then booked into the Palm Beach County Jail without incident.

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The urine sample would later be transported to the FHP Lantana substation and place into evidence.

All the above events occurred in Palm Beach County.

Note: My patrol vehicle is equipped with in car video and audio that is available upon request.

Jail Booking Facility

Booking Date/Time 6/18/2022 04:13 AM	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			

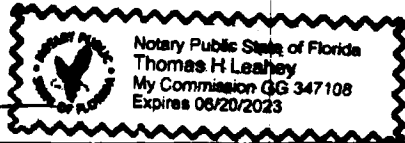
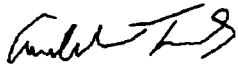
Court

Court County PALM BEACH	Court Location 3188 PGA BLVD. PALM BEACH GARDENS, FL 33410		
Court PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-8608	Court Appearance Date / Time 07/20/2022 9:30 AM	Court Fine
Comments			

Officer Name Rank / ID # TOMAS ANTONIO, ANIBA TPR 4750	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPLILWRCCIPALM BEACHBROW LN TO SR804
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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 TOMAS ANTONIO, ANIBA	Office Rank TPR	Officer ID No 4750	Sworn and subscribed before me, the undersigned authority This the <u>18</u> day of <u>June</u> , <u>2022</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature 			

Report Date / Time 6/18/2022 01:48 AM	Report Number FHP99ARR850667	Case Number/Cad Number FHP22ON0307504 / RCC22IN0452387	Reporting Officer Name TOMAS ANTONIO, ANIBA
Originating Agency ORI FL0509000	Occur Date Time Range 06/18/2022 01:38:13 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

☐ No Bill / Petition
☐ Issue Warrant
☐ Prosecution Approved

Signature of Assistant State Attorney	Date
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NOT A CERTIFIED COPY



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

PBSO CASE # 22-078768 PBSO ZONE 6-51

AGENCY CASE # FHP220N0307504 CRASH CASE # _____

TIME OF STOP/CRASH 1:48 am DATE 6/18/2022 DAY Saturday

SUBJECT'S NAME Justin Robert Dorney RACE W SEX M

HGT 5'10 WGT 195 DOB 1/30/1990

LOCATION I-95 SB 5N0F Congress Ave

ARRESTING OFFICER'S NAME & ID Tpr. Thomas Antonio #4750 AGENCY FHP

DIVISION: _____

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 2:48 am

BREATH RESULTS:

Arrest Time 1:56 am

1. .027

2. .026

3. Urine

4. _____

TESTING OFFICER'S ID 19183

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: Durney, Justin R

CASE NUMBER: 22-078768

DATE: Jun 18, 2022

VIDEO DVD NUMBER: n/a

BEGINNING TIME: 0313

ENDING TIME: 0315

BREATH TESTS RESULTS: 1) .027 TIME 0317 A.M. ☒ P.M. ☐ 2) .026 TIME 0320 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: deliberate

ATTITUDE: fidgety, compliant

CLOTHING: black jeans, black t-shirt, black boots

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER:

eyes were glassy & bloodshot

COMMENTS:

arrived at center A/O conducted 20 observation period at 0248 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 @ 0323
subject refused to provide urine sample @ 0323 - what happens if I say no
A/O read I/C & subject understood I/C
subject agreed to provide urine sample @ 0324
A/O read rights & subject understood rights
A/O attempted Q&A - subject invoked right to counsel
subject provided urine sample @ 0336

**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: 80-006239 Software: 8100.27
Date of Test: 06/18/2022

Date of Last Agency Inspection: 06/03/2022

Observation Period Began: 02:48

Subject's Name: JSUTIN R DURNEY

DOB: 01/30/1990 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		03:15
Air Blank	0.000	03:16
Control Test	0.078	03:16
Air Blank	0.000	03:16
Subject Sample #1	0.027	03:17
Air Blank	0.000	03:17
Air Blank	0.000	03:19
Subject Sample #2	0.026	03:20
Air Blank	0.000	03:20
Control Test	0.079	03:21
Air Blank	0.000	03:21
Diagnostics Check OK		03:21

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

Signature

Date: 06/18/2022

Sworn to (or affirmed) before me this 18 day of June, 2022

Signature of Notary Public-State of Florida

Trp. A Tomas Antonio #4750
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.

SUBJECT: Dwight T. Jr R

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) _____

WHITE: STATE ATTY.

YELLOW: DHSMV

PINK: CENTRAL RECORDS

GOLD: JAIL

SUBJECT: D. J. ... 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? 2 WHAT? _____

ARE YOU SICK OR INJURED? 4 WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY?	_____
GLASS EYE?	_____
FALSE TEETH?	_____
EAR INFECTION?	_____
INNER EAR TROUBLE?	_____
DIABETES?	_____

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

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

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

INTERVIEWER: _____



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
I/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: 2022015697	Date: 06/19/2022
	Specialist Name/ID: C. Smith/39657