[redacted] 05355277 22CT173955MB

☐ Marsy's Law CVI FL. Const. Art.1 § 16(b)

☐ Check if Supplement is Attached

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

OBTS Number

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

Juvenile: N

ADMINISTRATIVE

Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	0 6 - 22-119055

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: 0 1

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
Cheetham Blvd/ w downers dr, loxahatchee, FL 33470	Cheetham Hill Blvd/ W Downers Dr, loxahatchee, FL 33470

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/15/2022	2345					Any Time Towing and Recovery

DEFENDANT

Name (Last, First, Middle): Khytrov, Kyrylo,

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

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	5/24/1984	5'10	135	Blue	Blo	Light	Smal

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

Marital Status: Divorced — Religion: Christian — Indication of: Alcohol Influence Y ☒ N ☐ Unk ☐; Drug Influence Y ☐ N ☒ Unk ☐

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
23055 Post Gardens Way Apt 132, Boca Raton, FL	(561) 757-8801	2
Permanent Address (Street, Apt. Number) (City) (State) (Zip)	( )	Address Source: FL DL
Business Address (Name, Street) (City) (State) (Zip)	( )	Occupation: Dance Inst ructor

D/L Number, State	Soc. Se	INS Number	Place of Birth (City, State)	Citizenship
K361500841840, FL	[redacted]		Ukraine City, Ukraine	US

CO-DEF

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

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Other: 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 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) 355-6511) informed of any change of address. ☐ Yes, by: (Name) ☐ No (Reason)

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. 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

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI	01	☐Y ☒N	316.193(1)(a)	
Drug Activity: N	Drug Type: N	Amount / Unit	Offense #: 22-119055	Warrant / Capias Number — Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number — Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number — Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☒Y ☐N		
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number — Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address): Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561) 688-4600

Court Date and Time: Month November — Day 10 — Year 2022 — Time 08:30 — A.M. X — P.M.

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 CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED

[redacted] 10/15/2022

Signature of Defendant (or Juvenile and Parent/Custodian) — Date Signed

ADMIN

HOLD for other agency	Signature of Arresting Officer X	Name Verification (Printed by Arrestee) (PRINT)
☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:	Name of Arresting Officer (Print) Inv. C. Ward 16305 — I.D. # 16305	PAGE ___ OF 1
Intake Deputy — I.D. # — Pouch #	Transporting Officer Inv. C. Ward — I.D. # 16305 — Agency PBSO	Witness here if subject signed with an "X"

NOT A CERTIFIED COPY

SCANNED

PROBABLE CAUSE AFFIDAVIT

OBTS Number | 1 Arrest, 2 NTA, 3 Request for Warrant, 4 Request for Capias | 1 | Juvenile

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	22-119055

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
KHYTROV, KYRYLO		W	M	5-24-84

CHARGES

Charge Description	Charge Description
DUI	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
STATE OF FL			

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

On the 14th day of October 20 22 at 2251 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

On October 14th, 2022 at 2251 hours I was sitting stationary at the 4 way stop intersection of Okeechobee Blvd and 168th Trail North in Loxahatchee, FL 33470. While sitting at the intersection I observed a blue BMW bearing FL tag DLSZ21 drive through the red stop sign without hesitation. I activated my overhead lights and made a traffic stop on the vehicle at Cheetham hill Blvd and W Downers Drive in Loxahatchee, FL 33470. I made contact with the driver, later identified as Kyrylo Khythrov by his FL driver's license, and I informed him he ran the stop sign located at 168th Trail North and Okeechobee Blvd. Khythrov shook his head yes as if he understood what I was explaining to him. When I asked where Khythrov was heading to he explained his home in Boca, FL. I asked where Khythrov was coming from he said he was a dance instructor coming from work in Coconut Creek, FL. I then asked if Khythrov knew where he was as of right now, he stated "I'm somewhere in South Florida." Due to Khythrov's blood shot eyes & an unknown alcoholic smell coming from his person I asked for a DUI investigator to come to the scene. DUI 13, Deputy Ward 16305, arrived on scene and took over the investigation.

NOT A CERTIFIED COPY

SCANNED
OCT 15 2022

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S T.LIMING 28279
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 14TH day of OCTOBER 20 22 by D/S T.LIMING 28279

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWN LEO

Notary Public, Clerk of Court, Officer (F.S.S). 117.10)

PAGE 1 OF 1

PBSO 88004A REV. 12/17 DISTRIBUTION WHITE – Court Copy GREEN – State Attorney YELLOW – Agency PINK – Agency

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 14 DAY OF October 20 22, AT 2251 AM ✓ PM

SUBJECT: Khytrov, Kyrylo, CASE NUMBER: 22-119055

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. C. Ward 16305

PERSONAL CONTACT

DRIVING PATTERN: Actual physical control (physical evidence or statements putting def. behind wheel of vehicle)

I was called to the scene of a traffic stop near the intersection of Cheetham Hill Blvd and W Downers Dr, in unincorporated Loxahatchee ,Palm Beach County, Florida. I arrived at the scene at approximately 2321 hrs.

D/S T. Liming # 28279 told me, in a signed sworn PC Supplement, that she had stopped the defendant's vehicle, a blue BMW bearing FL tag DLSZ21 because the defendant's vehicle drove through as stop sign without stopping. D/S Liming noticed that the defendant had articulable indicators of impairment, so she requested me to respond to conduct a possible DUI investigation. D/S Liming identified the defendant, to me, as the driver / sole occupant of the defendant's vehicle, at the time of the stop.

OBSERVATION OF DRIVER:

I made contact with the defendant, later identified by their Florida Driver's License as, Kyrylo Khytrov, I observed that the defendant had red, watery, bloodshot eyes. The defendant had thick speech, and the odor of an unknown alcoholic beverage, based on my training and life experiences, that came from their breath which intensified as they spoke to me. I asked the defendant if they had any medical problems or had taken any medications and the defendant said no. I asked how much they had had to drink. The defendant said that he had not.

I asked the defendant to exit the vehicle. The defendant swayed while standing.

I asked the defendant to perform voluntary field sobriety tasks. The defendant to which the defendant consented.

DRIVER'S STATEMENTS:

Pre Miranda/Spontenous Statments: The defendant stated that he had no medical issues or injuries. He stated that he had not been to the doctor or dentist. He stated that he had not taken any prescription medications, illegal drugs or smoked any marijuana. He stated that he did not have anything to drink.

While standing outside the car the defendant stated that he was coming from Coconut Creek where he is dance instructor. He stated that he was going to his residence in Boca Raton. He stated that he was approximately 40 miles away from his home when he checked his GPS after he was stopped.

At Bat, Post Miranda: Defendant stated that he was driving from home to work. He again stated that he had no medical issues. He stated that he had 2 medium glasses of red wine that will filled all the way up.

ODORS:

I could smell the odor of an unknown alcoholic beverage, based on my training and life experinces, which came from the defendants breath and intensified as they spoke with me.

GENERAL OBSERVATIONS

SPEECH: **Accent, Thick**

ATTITUDE: **Calm, cooperative**

CLOTHING: **White Longslee Button Down shirt Black Slack, Black Shoes, Clean, professional**

MEDICAL/OTHER: **The defendant stated that they had no medical issues. They stated that they had not taken any prescription drugs, any illegal drugs, or smoked any marijuana.**

TATE OF FLORIDA
'OUNTY OF PALM BEACH

Inv. C. Ward 16305
ignature of Arresting/Investigative Officer)

he foregoing instrument was sworn to or affirmed and subscribed before me this 15 day of October 2022 by Inv. C. Ward 16305

rint name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced Known LEO

otary Public, Clerk of Court, Officer (F.S.S 117.10)

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

NOT A CERTIFIED COPY

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias: 1

Juvenile: N

ADMIN

Agency ORI Number: FLO 5 0 0 0 0 0

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 22-119055

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

Special Notes:

DEF

Name (Last, First, Middle): Khytroy, Kyrylo,

Alias:

Race: W | Sex: M | Date of Birth: 5/24/1984

CHARGES

Charge Description: Driving Under the Influence 316.193(1A)

Charge Description:

Charge Description:

Charge Description:

VICTIM

Victim s Name (Last, First, Middle): State of Florida, -, --

Race: -- | Sex: -- | Date of Birth: --

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 I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law.

The Person taken into custody:

☐ committed the below acts in my presence.

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

☐ confessed to _____ admitting to the below facts.

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

On the 14 day of October 20 22 at 2251 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

☐ **Marsy's Law CVI**
FL. Const. Art.1 § 16(b)

I conducted the Standardized Field Sobriety Tasks (SFSTs) in front of my PBSO patrol vehicle using the in car video system with the following results. The area appeared Flat and even to the naked eyed, dark and Lit by the lights on my patrol vehicle and clear of any large debris. It was Warm and Not Windy. The area was wet.

Horizontal Gaze Nystagmus (HGN)

The defendant was placed with their feet together and hands down by their side. The defendant was instructed to await the completion of the instructions prior to beginning the task. The defendant acknowledged that they clearly understood my instructions. I then instructed the defendant on the task. The defendant stated that they clearly understood my instructions for the task. I asked the defendant what color the stimulus was to which they answered. "red.". Upon commencing the task the defendant moved their head side to side instead of following with their eyes only, anticipated the stimulus, and did not follow the stimulus as instructed. I had to re instruct the defendant during the task to follow the stimulus with their eyes only. During the task, I observed that the defendant had equal pupil size and did not exhibit resting nystagmus. The defendant's eyes tracked equally.

An inventory search of the vehicle was conducted prior to tow per PBSO policy. There was noting to mention inside the vehicle. The vehicle was towed by rotation by Any time towing and recovery to their impound lot.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 15 day of October 20 22 by Inv. C. Ward

(Print name of Arresting/Investigative Officer), who is personally known to [illegible] Type of Identification Produced Known LEO

L. O'Neal
Notary Public, Clerk of Court, Officer (F.S.S). 117.10)

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

PAGE 1 OF 1

DISTRIBUTION WHITE – Court Copy GREEN – [illegible] YELLOW – Agency PINK – Agency

PBSO #0084 REV. 04/22

SUBJECT: Khytrov, Kyrylo, CASE NUMBER 22-119055

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

)ther Observations:

See PC:

WALK & TURN:

Due to the fact that the gound was wet from previous rain I was unable to place tape on the roadway to use as the line for this task. There were no painted lines to use for this task. The defendant was asked to use imaginary line for the purpose of completing this task. I asked the defendant if they knew their left from their right which they did. I had the defendant place their left foot on the line with their right foot in front of the left, heel to toe. I instructed the defendant to remain in the position throughout my instructions and demonstration. The defendant was instructed not to start the task prior to me telling them to begin. The defendant acknowledged my instructions. The defendant was then instructed on the task which I also demonstrated. The defendant swayed during my instructions. The defendant came out of the stance prior to me telling them to begin. Once the defendant was told to begin the task they missed heel to toe, did not turn, walked the incorrect number of steps, and spontaneously stopped prior to completing the task. The defendant originally walked only three and stopped. The defendant then continued walking to many step. The defendant started counting out loud and stopped partway through the task and swayed throughout completing the task.

ONE LEG STAND:

The defendant was instructed to stand with their feet together and their hands down by their side. They were then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood the instructions. The defendant swayed while in the instructional position. After being told to begin the defendant put their foot swayed . The defendant did not count in the manner instructed. The defendant did not point their toe and /or look at their toe as instructed and had to be reminded to do so.

FINGER TO NOSE:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged these instructions. The defendant swayed while in the instructional position. I instructed the defendant on the task and demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant proceeded to miss/search for the tip of their nose with the tip of their finger, started with the wrong hand, and/or did not bring their hand immediately bring back as instructed even after being reminded to do so. The defendant swayed throughout the task.

ROMBERG ALPHABET:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood these instructions. The defendant swayed while in the instructional position. The defendant stated that they knew their English alphabet from A to Z, I instructed him on the task and then demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant then proceeded to misstate their alphabet.

)REATH TEST RESULTS: .216 .208

TATE OF FLORIDA
OUNTY OF PALM BEACH

Inv. C. Ward 16305
ignature of Arresting/Investigative Officer)

ne foregoing instrument was sworn to or affirmed and subscribed before me this 15 day of October 20 22 by Inv. C. Ward 16305

rint name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced Known LEO

otary Public, Clerk of Court, Officer (F.S.S 117.10)

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

NOT A CERTIFIED COPY

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

PBSO CASE # 22-119055 PBSO ZONE 15-41

AGENCY CASE # _____ CRASH CASE # _____

TIME OF STOP/CRASH 2251 DATE 10/14/2022 DAY Friday

SUBJECT'S NAME Khytrov, Kyrylo, RACE w SEX m

HGT 5'10 WGT _____ DOB 5/24/1984

LOCATION Cheetham Blvd/ w downers dr, loxahatchee, FL 33470

ARRESTING OFFICER'S NAME & ID Inv. C. Ward 16305 (16305) AGENCY Palm Beach County Sheriff's Office

DIVISION: CID-DUI

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 0018 HRS

ARREST TIME 2345

BREATH RESULTS:

- .216
- .208

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TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # N/A

WITNESS LIST

CASE NUMBER: 22-119055

ARRESTING OFFICER: Inv. C. Ward 16305

ADDRESS: 3228 Gun Club Rd, West Palm Beach, FL 33406

PHONE NUMBERS (HOME): _____ (WORK) 561-688-3000

CAN TESTIFY TO: DUI Investigation

NAME: D/S T. Liming # 28279

ADDRESS: 3228 Gun Club Rd, West Palm Beah, FL 33406

PHONE NUMBERS (HOME) _____ (WORK) 561-688-3000

CAN TESTIFY TO: Wheel Witness, Back Up officer

NAME: D/S P. Heckler # 6609

ADDRESS 3228 Gun Club Rd West Palm Beach, FL 33406

PHONE NUMBERS (HOME) _____ (WORK) 561-688-3000

CAN TESTIFY TO: Back Up Offier, Tow

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 _____

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CAN TESTIFY TO: _____

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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: PBSO INV. WARD #16305

SUBJECT: KHYTROV, KYRYLO

CASE NUMBER: 22-119055

DATE: 10-15-22

VIDEO DVD NUMBER:

BEGINNING TIME: 00:40 HRS

ENDING TIME: 01:00 HRS

BREATH TESTS RESULTS: 1) .216 TIME 00:45 A.M. ☒ P.M. ☐ 2) .208 TIME 00:48 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: ACCENT

ATTITUDE: CALM, COOPERATIVE

CLOTHING: SHIRT- WHITE PANTS- DRK GREY

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: VERY RED, GLASSY
FACE: FLUSHED
ODOR OF UNKNOWN ALCOHOLIC BEVERAGE.

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O WARD #16305
A/O REQUESTED THE BREATH TEST.
D SUBMITTED TO THE BREATH REQUEST.
D COMPLETED THE TEST CORRECTLY.
A/O READ THE C/W ON CAMERA TO THE D.
EXPLAINED THE BREATH RESULTS TO THE D.
Q&A CONDUCTED.

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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: 10/15/2022

Date of Last Agency Inspection: 09/16/2022
Observation Period Began: 00:18
Subject's Name: KYRYLO KHYTROV DOB: 05/24/1984 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	00:44
Air Blank	0.000	00:44
Control Test	0.079	00:44
Air Blank	0.000	00:45
Subject Sample #1	0.216	00:45
Air Blank	0.000	00:46
Air Blank	0.000	00:48
Subject Sample #2	0.208	00:48
Air Blank	0.000	00:49
Control Test	0.079	00:49
Air Blank	0.000	00:50
Diagnostics Check	OK	00:50

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: 10-15-22
Signature

Sworn to (or affirmed) before me this 15 day of October, 2022

Signature of Notary Public-State of Florida

Inv. Ward #16305
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

NOT A CERTIFIED COPY

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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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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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:	

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REVIEW COMPLETED BY

Booking Number: 2022026979	**Date:** 10/15/2022
	Specialist Name/ID: C. Smith/39657