

50-2022 CT-011522-ASB

Arrest Report

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

Report Date / Time 7/17/2022 06:17 AM	Report Number FHP99ARR842841	Case Number/Cad Number FHP22ON0361046 / RCC22IN0532888	Reporting Officer Name D. A. WOOD <i>TRW</i>
Originating Agency ORI FL0509000	Occur Date Time Range 07/17/2022 02:00:13 -	Jurisdiction	
OBTS Number		Other Number	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description I-95S EXIT RAMP TO YAMATO RD			
Street Number	Street I-95 SB XT RMP	Apt/Lot/Bldg	City BOCA RATON	State FL	Zip Code 33487

Defendant

First Name NICKOLAS	Middle Name	Last Name CARTAGENA	Suffix	Race WHITE	Sex MALE	Height 510	Weight 172	Hair BLK	Eyes BLK
MNI #	SSN	Date of Birth 02/04/1997	Age 25	ID Type E	Drivers License or other ID C632620970440	State FL	OCA / Agency ID		
Place of Birth:		BOCA RATON FL USA							
Address * / 5851 CAMINO DEL SOL APT 302 , BOCA RATON, FL 33433 /									

Arrest

Arrest Date/Time 7/17/2022 2:33:15 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description I-95S EXIT RAMP TO RAMP YAMATO RD				
Street Number	Street I-95 SB XT RMP	Apt/Lot/Bldg	County PALM BEACH	City BOCA RATON	State FL	Zip Code 33487

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 Sunday, July 17, 2022, I, Trooper Wood, was on routine patrol and traveling northbound on

Arrest Report

Benille 18342

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0533094

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Interstate 95 (State Road 9), when I noticed Lake Worth Regional Communications Center (LWRCC) was receiving a call pertaining to a person/vehicle that was stopped on the Interstate 95 southbound exit ramp to Yamato Road. The call notes indicated that the driver, who was a male, was slumped/asleep over the steering wheel and unresponsive. I self-dispatched myself to the call and noted from the call notes that Boca Raton Police Department Officers and Boca Raton Fire Rescue (Case# 22-9104) were already on scene. I arrived on scene at approximately 2:21am and began speaking to the Boca Raton Officers. Before I started speaking to the officers, I noticed that the driver was now awake and outside the vehicle. The driver was leaning on the front right side of his vehicle. I spoke primarily to Officer Eric Walter (ID [REDACTED]). Officer Walter advised me that he was first on scene. As I walked over to the driver, I noticed that the blue vehicle (FL TAG OF DPRD40 which was verified via FCIC/NCIC) was straddling the white line and not fully within a lane of travel. It had come to a complete stop within two lanes. I started talking to the driver and asked the driver what was going on and what happened. I asked the driver if he was the owner of the vehicle and if he had his driver license on him. The driver began looking for his driver license, which he could not find immediately but eventually found it. He stated he was the owner of the vehicle and that he was coming from West Palm Beach. An FCIC/NCIC check revealed a Nickolas Cartagena was the owner of the blue vehicle. I removed my agency issued flash light to better see the driver's face and once I turned on my light, I noticed the driver's face was flush, his eyes were glassy and watery, and his eye lids low. His speech was also thick/slow and slurred. I identified the driver by his Florida Driver License number (C632-620-97-044-0) as Nickolas Cartagena.

I asked Mr. Cartagena if while he was with his friends in West Palm Beach, if he had anything to drink and he stated his friends were drinking but he did not drink. I could also smell a strong odor of alcohol emitting from Mr. Cartagena's breath as he spoke. I then stated to Mr. Cartagena that because he did not wake up immediately and that it took multiple times for Boca Raton Officers to wake him, I would be asking Mr. Cartagena if he was willing to perform roadside/standardized field sobriety exercises to determine if his normal faculties were impaired and if he was ok to drive. Mr. Cartagena immediately answered no. I then informed Mr. Cartagena that if he was not willing to perform roadside/standardized field sobriety exercises, I was going to have to make a call and make a decision based on the totality of the circumstances, if he was under the influence or not. I also informed Mr. Cartagena that his FL license states that he consents to any sobriety test. Mr. Cartagena informed me that his mother was on the way to pick him up. I asked Mr. Cartagena again if he was willing to perform roadside/standardized field sobriety exercises and he again refused and stated to me that he knows how this process (DUI Investigation) goes. At 2:33am, based on the totality of circumstances, I placed Mr. Cartagena under arrest for DUI. As I began walking Mr. Cartagena back towards my patrol car, I could again smell the strong odor of alcohol emitting from his breath. I asked [REDACTED] about the odor and he then admitted that he did drink with his friends. He then stated that he would do the exercises. He also stated that the reason he refused the SFSE's was because his lawyer always told him not to consent to any of the exercises or breath test. I searched Mr. Cartagena before placing him into the back of my patrol car. He then stated that he was not driving the car but that a friend was driving and left him in the car.

At this moment, I went back to Officer Walter and asked him to provide me a witness statement to

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which he consented to providing. Prior to providing me with a witness statement, Officer Walter informed me of more details he observed when he first arrived. Officer Walter informed me that when he first arrived on scene, he noticed that, while Mr. Cartagena was slumped over the wheel and unresponsive, his phone was ringing, and his phone indicated that he was receiving a call from his "drinking buddies". It was also noted by Officer Walter that Mr. Cartagena's vehicle was still on with the car in drive. Boca Raton Fire Rescue was on scene and had to use the fire truck airhorn to wake Mr. Cartagena up. When Mr. Cartagena finally woke up, he had an extremely difficulty time following instructions. Mr. Cartagena struggled to turn the vehicle off and kept pressing multiple times the hazards button instead of the push to start button to turn the car off. The key was sitting inside the vehicle in a key holder and the car could turn on and off.

Once Mr. Cartagena was inside the back of the patrol car, at approximately 2:56am, we left the scene and headed to the Palm Beach County jail. Prior to leaving the scene, Mr. Cartagena's mother and sister arrived to take possession of the blue vehicle and his belongings. On the ride to the Palm Beach County jail, Mr. Cartagena kept repeating the same statements. Statements such as how he had messed up and how he never meant for any of this to happen. He kept stating and blaming his friend for leaving him in the car and that the friend was driving and not him. He kept saying he was sorry for everything.

We arrived at the Palm Beach County Jail Blood and Alcohol Testing Facility at 3:25am. A twenty-minute observation period then began. I verified that Mr. Cartagena did not take anything by mouth, nor did he regurgitate anything by mouth. The Palm Beach County Jail Breath Test Operator prepared the intoxilizer for testing and at 3:51am. Mr. Cartagena was asked to provide a breath sample. Mr. Cartagena refused to provide a sample at which implied consent was read immediately after the first refusal. When Mr. Cartagena was asked if he understood implied consent and asked again if he would provide a sample, he still answered no to provide a sample, at which a refusal was noted and taken at 3:53am.

Based on the totality of circumstances, I believe Mr. Cartagena's normal faculties were impaired. Mr. Cartagena was found to be in physical control of a motor vehicle and is being charged with DUI F.S.S 316.193.

Approximately after 5:30am, Mr. Cartagena was transferred over into the custody of the Palm Beach County Jail personnel where he was booked.

Jail Booking Facility

Booking Date/Time	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			

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Court

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 08/23/2022 1:00PM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
D. A. WOOD TPR 4672	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPLILWRCC\PALM BEACH\BROW LN TO SR804

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 D. A. WOOD	Office Rank TPR	Officer ID No 4672	Sworn and subscribed before me, the undersigned authority This the _____ day of _____, _____
Officer Agency FLORIDA HIGHWAY PATROL			DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Signature D. A. Wood			

☐ No Bill / Petition ☐ Issue Warrant ☐ Prosecution Approved	Signature of Assistant State Attorney	Date
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TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: Cartagena, Nikolas

DATE: Jul 17, 2022

BEGINNING TIME: 0351

CASE NUMBER: 22-088718

VIDEO DVD NUMBER: n/a

ENDING TIME: [REDACTED]

BREATH TESTS RESULTS: 1) R TIME 0353 A.M. ☒ P.M. ☐ 2) n/a TIME 0 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: slurred, thick

ATTITUDE: agitated

CLOTHING: gray pants, black shirt, white sneakers

MEDICAL CONDITIONS: [REDACTED]

MEDICATIONS: 1 pill name unknown

OTHER:

eyes were glassy & bloodshot
odor of unknown alcoholic beverage on breath

REFUSED

COMMENTS:

arrived at center A/O conducted 20 observation period at 0325 hrs

subject refused to perform breath test

A/O read I/C & subject understood I/C

subject refused to perform breath test

A/O called refusal @ 0353

A/O read rights & subject understood rights

A/O attempted Q&A

subject invoked right to counsel

REFUSED



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

PBSO CASE # 22-088718 PBSO ZONE 7-31

AGENCY CASE # FHP220N0361046 CRASH CASE # _____

TIME OF STOP/CRASH 2:00AM DATE 7/17/22 DAY Sunday

SUBJECT'S NAME Nickolas Cartagena RACE W SEX Male

HGT 510 WGT 172 DOB 2/4/1997

LOCATION I-95 South Bound Exit Ramp to Yamato RD

ARRESTING OFFICER'S NAME & ID [REDACTED] AGENCY FHP

DIVISION: _____

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 3:25 AM

Arrest Time 2:33 AM

BREATH RESULTS:

1. **REFUSED**
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 19183

SUBJECT: Michael, NicholasCASE NUMBER: FH230N026146

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) Nicholas Michael

SUBJECT: _____

CASE NUMBER: _____

FHM20CN36145

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: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, Trooper D. Wood ID# 4672, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Florida Highway Patrol, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 17 day of JULY, 20 22, at 2:33AM ☐ P.M. ☒ A.M.

DRIVER Nickolas Cartagena,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# C632-620-97-044-0, state of FLORIDA, was placed under lawful arrest for
the offense of DUI by Trooper D. Wood ID# 4672 and
(Name of Arresting Officer)
issued Citation # A77483E.

That on or about the 17 day of JULY, 20 22, at 3:53AM ☐ P.M. ☒ A.M.
in PALM BEACH COUNTY County,

I requested that the driver submit to a ☒breath and/or ☐urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

Dennis Wood
Signature of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before

me this _____ day of _____, 20 _____,

by _____,

who is personally known to me or who has produced

_____ as identification

Notary Public _____

Title Trooper

Date 07/17/2022

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.



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

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2022018387

Date: 07/18/2022

Specialist Name/ID: T.Howard/7185