

0533648

50-2022-CF-006348-AMB

3564

Arrest Report

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

Report Date / Time 8/9/2022 08:41 PM	Report Number FHP99ARR847274	Case Number/Cad Number FHP22ON0404389 / RCC22IN0597922	Reporting Officer Name COSTALES, ALEXANDRO
Originating Agency ORI FL0509000	Occur Date Time Range 08/09/2022 16:06:39 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type BUSINESS	Location Description ROCKET FUEL GAS STATION	
Street Number 408	Street N DIXIE HWY	Apt/Lot/Bldg	City LANTANA
State FL		Zip Code 33462	

Defendant

First Name ROBERT	Middle Name NELSON	Last Name DUNAGAN	Suffix J	Race WHITE	Sex MALE	Height 600	Weight 190	Hair BRO	Eyes BLU
MNI #	SSN	Date of Birth 02/25/1973	Age 49	ID Type E	Drivers License or other ID D525774730650	State FL	OCA / Agency ID		
Place of Birth: BRUNSWICK GA USA									
Address * RESIDENCE / 6 15TH ST , ST. AUGUSTINE, FL 31520 / 912-617-0433									

Arrest

Arrest Date/Time 8/9/2022 5:01:00 PM	Arrest Location Type BUSINESS	Arrest Location Description ROCKET FUEL GAS STATION	
Street Number 408	Street N DIXIE HWY	Apt/Lot/Bldg	City LANTANA
State FL		Zip Code 33462	

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			

Charge : S

Counts 1	Charge 893.13.6a	Bond Amount \$0.00	☐ No Bond
Charge Degree T		Charge Level FELONY	
General Offense Code		Arrest Offense Code DRUGS-POSSESS	

Arrest Report

Cpl. Cy 32405

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Charge Description CNTRL SUB WO PRESCRIPTION	
Is Arrestee Juvenile?	No
Type of Arrest	On-View Arrest (apprehension without a warrant or previous incident report)

Bond Set by Court

Bond Amount ☐ No Bond
Bond Type(s)

Probable Cause

On August 9, 2022, at approximately 4:18 PM, Recruit Trooper Jeanbaptiste #5011 and I, were dispatched to a "reckless driver" that had exited on Lantana Rd and was heading eastbound, passing the FHP Lantana sub-station. Per the Lake Worth Regional Communications Center (LWRCC), the reckless vehicle was a silver Chevy Silverado with Georgia tag TDE9842 and was being followed by a witness.

Per LWRCC, the witness had been following the Silverado from Broward county and was now northbound on Interstate 95 (State Road 9) in Palm Beach County. The witness advised the Silverado was unable to maintain in its lane and was driving onto the inside shoulder and running over the express lane dividers. Per the witness, on one occasion the Silverado traveled onto the inside shoulder and the left side sideswiped the concrete barrier wall near Congress Ave. The witness continued to follow the Silverado while updating the LWRCC of the location.

As the Silverado was passing the FHP Lantana sub-station, Corporal Michael Deleeuw # 3332 was able to locate the vehicle by confirming the tag number provided. He then began to observe a driving pattern. At this time Recruit Jeanbaptiste and I, began to follow Corporal Deleeuw and the Silverado. Corporal Deleeuw observed the Silverado failed to maintain its lane and conducted a traffic stop on N Federal Hwy and Lantana road. The Silverado pulled into the Rocket Fuel gas station.

As Corporal Deleeuw was making a driver side approach, the driver of the vehicle stumbled out and dropped his cell phone on the ground. Corporal Deleeuw then asked the driver for his driver's license and explained the reason for the traffic stop and asked if there were any weapons in the vehicle. The Driver advise he had "Two" weapons and that his wallet was somewhere inside the vehicle. During this time, I observed an unknown odor of an alcoholic beverage coming from inside the vehicle and the driver to be unsteady on his feet. I also observed his pupils to be extremely constricted and his demeanor to be lethargic or slow. I also observed damage to the left side of the vehicle.

Corporal Deleeuw then asked the Driver if he consented to us look inside his car for his wallet and he stated "yes". During the search for his wallet, Criminal Interdiction Unit (CIU) Sgt. Kingery and I observed a prescription bottle in the center console that appeared to have different pills inside. The

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prescription bottle read "Dextroamp-Amphetamin" and stated it was "a round shaped tablet". The pills inside appeared to be elongated or long tablets.

Due to the prescription bottle being suspicious, Sgt. Kingery opened the prescription bottle to confirm the pills were round shape and instead found white elongated pills. Based on Sgt. Kingery training and experience, he advised the white elongated pills were "Xanax bars". They were mixed with a white round pill which was consistent with the description on the prescription bottle. The wallet was finally located and the Driver was identified as, Robert Nelson Dunagan Jr DOB 2/25/73, via his Florida driver's license.

I then spoke with the witness, Norman Dylann Munnial, who also stopped at the gas station. Mr. Munnial again confirmed he had been following Mr. Dunagan from Broward and witnessed the "reckless" driving of Mr. Dunagan and when he ran over the express lane dividers and when he sideswiped the concrete barrier wall. Mr. Munnial stated all this occurred northbound Interstate 95 from Hillsboro and Congress Ave in Palm Beach County.

Based on my training and experience, the statements from Mr. Munnial, Mr. Dunagan demeanor and the "Xanax bars" located in plain view, I believed Mr. Dunagan to be driving under the influence of alcohol and/or controlled substances.

Recruit Trooper Jeanbaptiste and I then asked Mr. Dunagan to walk to the front of our marked patrol vehicle. Mr. Dunagan was then advised that we were now conducting a DUI investigation and read his Miranda rights at 4: 48 PM.

Mr. Dunagan advised he understood his rights. I then explained the reasons above of why were conducting a DUI investigation and asked if takes "Xanax". Mr. Dunagan stated "yes". I then asked him if they were legally prescribed and he stated "yes". I then asked him why they were mixed in with another prescription bottle and he advised for convenience. I then asked Mr. Dunagan if he was willing to perform field sobriety exercises and he stated yes.

The exercises were performed on-scene at the Rocket Fuel parking lot. For training purposes, Recruit Trooper Jeanbaptiste conducted the exercises with my assistance. Mr. Dunagan performed poorly on the following:

Horizontal Gaze Nystagmus: We explained the instructions and Mr. Dunagan advised he understood. We asked if he uses or has eye contacts or eye glasses and he stated "Yes" but did not have any right now. During the exercise, Mr. Donagan failed to follow with his eyes only. Mr. Donagan had equal pupil size in his eyes but were extremely constricted. Mr. Donagan also failed to keep his arms by side and had his thumb in his pocket. He also had a slight sway.

Walk and Turn: For this exercise, we used a yellow line that was clearly painted on the parking lot. We asked Mr. Donagan if he could see the line and if it was clear of debris. He stated "yes". While

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explaining the instructions, Mr. Donagan failed to maintain the starting positions several times. We had to advise him numerous times to keep the starting position. We also explained and demonstrated the exercise twice.

When told to begin, he stepped of the line on step "two" and missed all heel to toe steps. He also stopped to gain balance. He made an improper turn and missed all heel to toe steps walking back. Mr. Dungan also kept his thumbs inside his pockets while walking.

One leg stand: While explaining and demonstrating the instructions, Mr. Donagan began the exercises before being told to do so. Mr. Donagan chose to raise his right leg. He failed to keep it approximately 6 inches off the ground and stopped prior to the allotted time or when told to stop.

Based on the totality of the circumstances, Mr. Donagan was placed under arrest for DUI at 5:01 PM. At approximately 5:21 PM we took possession of the "Xanax bars" and counted a total of 72 pills. The two weapons Mr. Donagan had were also taken for safekeeping until he is released. Mr. Donagan was then transported to the Palm Beach County Jail Breath Test Facility. Once at the jail, were started a 20-minute observation at 5:55 PM

During this time, he did not eat or regurgitate anything. After the 20 minutes, Mr. Donagan was asked if he was willing to provide breath samples to determine his alcohol content and he consented. The first sample was of .009 and the second of .009. Based on the results, I then asked if he was willing to provide a urine sample. At this time, Mr. Donagan advised he would like to speak with his lawyer for advice on the urine sample. I then read him Florida Implied Consent and he stated he understood. Mr. Donagan the agreed to provide a urine sample. Mr. Donagan's urine sample was then obtained at 6:44 PM.

Post Miranda, Mr. Donagan stated he had "one Mikes Hard Lemonade" while on the boat earlier today. He also stated he takes "Xanax" for anxiety.

Mr. Donagan was then released to the county jail for further booking.

We then transported the "Xanax bars" and two weapons to the FHP Lantana sub-station for evidence and safekeeping.

*Sgt James Kudla #2678 also arrived on-scene and assisted in obtaining a sworn recorded witness statement from Mr. Munnial.

All events occurred in Palm Beach County.

Jail Booking Facility

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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			

Court

Court County PALM BEACH	Court Location 3188 PGA BLVD. PALM BEACH GARDENS, FL 33410		
Court PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Appearance Date / Time 08/31/2022 9:30 AM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
COSTALES, ALEXANDRO TPR 3943	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL1WRCCIPALM BEACHVALL WEST

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 COSTALES, ALEXANDRO	Office Rank TPR	Officer ID No 3943	Sworn and subscribed before me, the undersigned authority This the <u>9th</u> day of <u>August</u> , <u>2022</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature <i>A. Costales</i>			

☐ No Bill / Petition	☐ Issue Warrant	☐ Prosecution Approved	Signature of Assistant State Attorney	Date
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PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 22-096586 PBSO ZONE 1-42

AGENCY CASE # FHP220N0404389 CRASH CASE # _____

TIME OF STOP/CRASH 4:23pm DATE 8/09/22 DAY Tuesday

SUBJECT'S NAME Robert Nelson, JR Demgan RACE White SEX Male

HGT 6.00 WGT 185 DOB 02/25/1973

LOCATION Lantana RD N Federal Hwy

ARRESTING OFFICER'S NAME & ID Trapper A. Costales AGENCY FHP
3943

DIVISION: _____

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 5:55pm

BREATH RESULTS:

Arrest Time 5:01pm

1. .009

2. .009

3. N/A

4. URINE

TESTING OFFICER'S ID 24639

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: DUNAGAN JR, ROBERT N

CASE NUMBER: 22-096586

DATE: Aug 9, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 18:20

ENDING TIME: 18:40

BREATH TESTS RESULTS: 1) .009 TIME 18:25 A.M. ☐ P.M. ☒ 2) .009 TIME 18:28 A.M. ☐ P.M. ☒
3) N/A TIME N/A A.M. ☐ P.M. ☐ 4) N/A TIME N/A A.M. ☐ P.M. ☐

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICIAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, QUIET

CLOTHING: GRAY PANTS, ROYAL BLUE SHIRT, WHITE / GRAY SNEAKERS

MEDICAL CONDITIONS: HEART PROBLEMS

MEDICATIONS: 7 MEDICATIONS

OTHER:

EYES: GLASSY AND BLOODSHOT

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 17:55 HRS.

SUBJECT: AGREED TO TAKE TEST

TECH: READ TEST RESULTS

SUBJECT: STATED HE UNDERSTOOD TEST RESULTS

A/O: ASKED FOR A URINE SAMPLE AT 18:31 HRS

SUBJECT: STATED HE WOULD LIKE TO SPEAK WITH HIS LAWYER WHEN ASKED TO PROVIDE A URINE SAMPLE

A/O: READ I/C

SUBJECT: STATED HE UNDERSTOOD I/C AND WOULD PROVIDE A URINE SAMPLE AT 18:38 HRS

A/O: STATED RIGHTS WERE READ ON SCENE

SUBJECT: UNDERSTOOD RIGHTS

NO Q&A CONDUCTED

SUBJECT: INVOKED HIS RIGHTS TO COUNSEL

SUBJECT: PROVIDED A URINE SAMPLE AT 18:44 HRS (NO DRE CONDUCTED)

SUBJECT: DUNAGAN JR, ROBERT N CASE NUMBER: FHP220N 0404389

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 Trooper G. Costales of the FHP

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) READ ON CAMERA

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) READ ON CAMERA ON SCENE

SUBJECT: PUNAGAN JR, ROBERT N CASE NUMBER: FHP22020404389

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: _____

**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: 80-006478 Software: 8100.27
Date of Test: 08/09/2022

Date of Last Agency Inspection: 07/15/2022

Observation Period Began: 17:55

Subject's Name: ROBERT N DUNAGAN JR

DOB: 02/25/1973 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	18:23
	Air Blank	0.000	18:23
	Control Test	0.079	18:23
	Air Blank	0.000	18:24
	Subject Sample #1	0.009	18:25
	Air Blank	0.000	18:25
	Air Blank	0.000	18:27
	Subject Sample #2	0.009	18:28
	Air Blank	0.000	18:29
	Control Test	0.079	18:29
	Air Blank	0.000	18:30
	Diagnostics Check	OK	18:30

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 PARIS D POUND, 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: _____

Signature

Date: 08/09/22

Sworn to (or affirmed) before me this 9th day of August, 2022

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.



**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: 2022020612	Date: 8/10/2022
	Specialist Name/ID: Chantel Daniels/30347