Arrest Report 0534642

22CT 15740MB

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

~~FHP~~ FHP

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
9/16/2022 10:30 PM	FHP99ARR859627	FHP22ON0474980 / RCC22IN0702505	PEREZ, JESUS

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	09/16/2022 20:40:01 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	INTERSTATE 95 (STATEROAD 9)

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	N STATE ROAD 806 (ATLANTIC AVE)		DELRAY BEACH	FL	33444

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
SHAWN	MICHAEL	THORN		WHITE	MALE	510	203	BLO	BLU

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	01/18/1978	44	E	T650793780180	FL	

Place of Birth:	TEMPLE TX US

Address
* RESIDENCE / 11940 NE 16TH AVE APT 308 , MIAMI, FL 33161 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
9/16/2022 ~~9:54:00~~ 21:54 JP PM	PUBLIC PLACE	INTERSTATE 95 (STATE ROAD 9)

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	N STATE ROAD 806 (ATLANTIC AVE)		PALM BEACH	DELRAY BEACH	FL	33444

Charge : S

Counts	Charge	Bond Amount	
1	316.193.1c	$0.00	☐ No Bond

Charge Degree	Charge Level
S	MISDEMEANOR
General Offense Code	Arrest Offense Code
	DUI-UNLAW BLD ALCH

Charge Description
DUI BREATH ALCOHOL 0.08 OR MORE PER 210 L

Bond Set by Court

Bond Amount	
	☐ No Bond

Bond Type(s)

Probable Cause

SEP 17 AM 4:28

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1425

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On September 16, 2022, at approximately 8:35pm, I, Trooper Jesus Perez (ID 1809/5021), was dispatched to a crash northbound on Interstate 95 (State Road 9), north of State Road 806 (Atlantic Ave). Upon my arrival, I observed a white Ford Explorer bearing Florida tag (BUBQ62) on the outside shoulder, behind a black Volkswagen Tiguan bearing Florida tag (10AFXP). I approached the white Ford on the passenger side and spoke to the driver of the vehicle, Angel Manuel Santiago, who I identified by his Florida Driver license (S-532-013-87-223-0). Mr. Santiago stated that he and his girlfriend (the passenger of the vehicle) Amalin Hernandez, whom I identified by her Florida Driver license (H-655-000-79-544-1), were hit by the driver of the black Volkswagen, Shawn Michael Thorn, whom I identified by his Florida Driver license (T-650-793-78-018-0). Ms. Hernandez also stated that Mr. Thorn, after both vehicles came to a controlled stop on the outside shoulder, stepped out of the black Volkswagen from the driver's side and approached her vehicle to speak to her. Ms. Hernandez also stated that Mr. Thorn was losing his balance and was very unsteady on his feet.

I then approached Mr. Thorn and asked him questions about the crash. I observed Mr. Thorn's eyes were red and glossy. He also had very slurred speech and an odor of an unknown alcoholic beverage emitting from his mouth. I then advised Mr. Thorn that I was done with my crash investigation and would begin a DUI investigation. I then asked Mr. Thorn if he had any medical issues such as diabetes or seizures. Mr. Thorn stated no. I then asked Mr. Thorn if he would participate in a series of voluntary Standardized Field Sobriety Exercises. Mr. Thorn stated yes. I then advised Mr. Thorn that I would take him off the interstate to perform the exercises in a safer location. I then took Mr. Thorn to a gas station west of Interstate 95 on Atlantic Ave. (Note: Mr. Thorn was not detained, and he was unhandcuffed in my marked patrol vehicle during the transport to the gas station.)

Upon arriving to the gas station, I got Mr. Thorn out of my fully marked Florida Highway Patrol Vehicle and I asked Mr. Thorn if he could remove his glasses, and I placed them on the hood of my vehicle.

Each SFSE was explained and demonstrated prior to the subject attempting to perform the exercises. (VIDEO FOOTAGE AND AUDIO RECORDING CAPTURED BY IN CAR CAMERA AND MICROPHONE IS AVAILABLE UPON REQUEST).

The following was observed during each exercise:

Horizontal Gaze Nystagmus. (Streamlight red LED pen used as contrasting stimulus.):
Lack of smooth pursuit: Present in both eyes.
Distinct and Sustained Nystagmus at Maximum Deviation: Present in both eyes.
Onset of Nystagmus Prior to 45 Degrees: Present in both eyes.
Vertical Gaze Nystagmus: Not present.
(Note: While performing the HGN exercises on Mr. Thorn he had an orbital sway, and I had to advise him multiple times not to move his head.)

Walk and Turn Exercise (Performed on a flat surface and a yellow straight line of tape was utilized

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during this exercise).
Did not stay in the initial position as instructed.
Took 10 deliberated steps on the initial trip and 10 deliberated steps on the retuning trip.
Lost balance side to side as he walked both ways.
Stepped of the line.
Used his arms to balance.
Missed heel to toe.
One Leg Stand:
Swayed while balancing.
Used his arms for balance.
Put foot down.

Modified Romberg:
Swayed side to side while performing this exercise
Estimated 30 seconds in 11 seconds.

Finger to Nose:
While performing this exercise, Mr. Thorn touched his right index finger pad on the right side of his nose, and his left index finger pad on the left side of his nose. He also touched his nose with his left finger when told to use his right.

Based upon the performance of the above exercises and the totality of the circumstances, I determined that there was probable cause to believe that Mr. Thorn committed the offense of driving under the influence by being in the actual physical control of the vehicle while under the influence of an alcoholic beverage, and or any chemical or controlled substance, while his normal faculties were impaired.

Mr. Thorn was placed under arrest at 9:54 pm and handcuffed behind his back. I placed the defendant in the back seat of my patrol car. The defendant was then transported to the Palm Beach County Sheriff's Office Breath Alcohol Testing (BAT) facility. At the BAT, I checked Mr. Thorn's mouth and I confirmed it was empty. I initiated my 20-minute observation period at 10:32pm. During this 20-minute observation period, the defendant did not ingest anything or regurgitated. Once inside the breathalyzer room, I asked Mr. Thorn if he wanted to provide a breath test sample in order to determine his breath alcohol concentration, and he agreed at 10:54 pm. After receiving all of the instructions, Mr. Thorn blew twice as requested. A valid breath sample result was given. Mr. Thorn blew a .141 the first time and a .142 the second time.

Mr. Thorn was then read his Miranda warnings. Mr. Thorn stated he understood and would answer the questions I asked him. Mr. Thorn was then asked when the last time that he ate was. Mr. Thorn then stated at 8:30pm.Mr. Thorn was also asked if he had been drinking. Mr. Thorn stated yes. I then asked Mr. Thorn when his first drink was, and Mr. Thorn stated 4pm. I also asked Mr. Thorn if he felt the effects of the alcohol. Mr. Thorn stated, "a little".

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Mr. Thorn was then booked into the Palm Beach County Jail with no further incident.
All of the above events occurred in Palm Beach County, FL.

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

Booking Facility Location	Booking Number
3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406	

Booking Comments

Court

Court County	Court Location
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406

Court	Court Phone	Court Appereance Date / Time	Court Fine
CRIMINAL JUSTICE COMPLEX	561-355-2994	10/15/2022 8:30 AM	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
PEREZ, JESUS TPR 5021	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LWRCC\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	Office Rank	Officer ID No
PEREZ, JESUS	TPR	5021

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature

Sworn and subscribed before me, the undersigned authority
This the 17 day of September, 2022
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

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

S. O'Neal

○ 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 # 22-109804 PBSO ZONE 4-12

AGENCY CASE # FHP220N04749360 CRASH CASE # FHP220N04749360

TIME OF STOP/CRASH 8:35Pm DATE 9/16/22 DAY Friday

SUBJECT'S NAME Shawn Thorn RACE W SEX M

HGT 5'10 WGT 205lbs DOB 01/18/1978

LOCATION Interstate 95 NB South of Atlantic ave

ARRESTING OFFICER'S NAME & ID Trooper Perez #5021 AGENCY FHP

DIVISION: _____

NOTIFIED BY COMMO ✓

ARRIVAL AT FACILITY 22:32 HRS

Arrest Time 9:54Pm

BREATH RESULTS:

1. .141
2. .142
3. _____
4. _____

TESTING OFFICER'S ID 6212

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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: 80-006240 Software: 8100.27
Date of Test: 09/16/2022

Date of Last Agency Inspection: 09/16/2022
Observation Period Began: 22:32
Subject's Name: SHAWN MICHAEL THORN DOB: 01/18/1978 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	23:00
Air Blank	0.000	23:00
Control Test	0.080	23:01
Air Blank	0.000	23:01
Subject Sample #1	0.141	23:02
Air Blank	0.000	23:02
Air Blank	0.000	23:04
Subject Sample #2	0.142	23:04
Air Blank	0.000	23:05
Control Test	0.079	23:05
Air Blank	0.000	23:06
Diagnostics Check	OK	23:06

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: 09-16-22
Signature

Sworn to (or affirmed) before me this 16 day of September 2022

Signature of Notary Public-State of Florida

Trp. Perez #5021
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

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TESTING FACILITY TASK REPORT

AGENCY: FHP TRP. PEREZ #5021

SUBJECT: THORN, SHAWN M.

CASE NUMBER: 22-109804

DATE: 09-16-22

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 22:54 HRS

ENDING TIME: 23:15 HRS

BREATH TESTS RESULTS: 1) .141 TIME 23:02 A.M.☐ P.M.☒ 2) .142 TIME 23:04 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:

ATTITUDE: CALM, COOPERATIVE,POLITE, INDECISIVE

CLOTHING: SHIRT- BLACK PANTS- GRAY/PLAID PRINT

MEDICAL CONDITIONS: SCREW IN RIGHT FOOT ON CAMERA

MEDICATIONS: NONE

OTHER:

EYES:RED, GLASSY
ODOR OF UNKNOWN OF ALCOHOLIC BEVERAGE.

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O PEREZ #5021
A/O REQUESTED THE BREATH TEST.
D WAS A LITTLE INDECISIVE ABOUT THE BREATH REQUEST.
A/O READ THE IMPLIED CONSENT TO THE D.
D UNDERSTOOD THE I/C, D DECIDED TO SUBMIT AFTER THE I/C WAS READ TO HIM.
D COMPLETED THE TEST CORRECTLY. EXPLAINED THE BREATH RESULTS TO THE D.
C/W READ ON CAMERA TO THE D.
Q&A CONDUCTED.

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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? yes

WHERE WERE YOU GOING? going to Atlantic

WHAT STREET OR HIGHWAY WERE YOU ON? Linton to I-95 to Atlantic

DIRECTION OF TRAVEL? N WHERE DID YOU START? Linton blvd

WHAT TIME DID YOU START? 9. pm WHAT TIME IS IT NOW? don't know

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? West Palm Beach

WHEN DID YOU LAST EAT? 8:30 pm WHAT DID YOU EAT? mozzarella sticks

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? sitting, drive/ shoot pool

HOW MUCH DO YOU WEIGH? 205 HAVE YOU BEEN DRINKING? yes WHAT? don't know

HOW MUCH? don't know WHERE? Bar WITH WHOM? C. workers

WHEN DID YOU HAVE YOUR FIRST DRINK? 11 pm AND YOUR LAST DRINK? don't know

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? no HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? server for hotel WHEN DID YOU LAST WORK? today

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

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

DO YOU LIMP? no 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? no WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? no WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? no WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY? _____
GLASS EYE? no
FALSE TEETH? _____
EAR INFECTION? no
INNER EAR TROUBLE? _____
DIABETES? no

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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SUBJECT: Thora, Shawna CASE NUMBER: FH22ODN0474436

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 Trp. Perez #5021 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

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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: 2022024391	**Date:** 9/18/2022
	Specialist Name/ID: M. Tooks #8557