0534648

Arrest Report

22CT 15737 SB 2854

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

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
9/17/2022 03:07 AM	FHP99ARR848173	FHP22ON0475360 / RCC22IN0703069	DEPEINE, KENS

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	09/17/2022 01:29:16 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	NB I-95 (SR-9) SOF STATE ROAD 798 (PALMETTO PARK RD)

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	I-95 NB JSOF		BOCA RATON	FL	33486

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
WILLIAM	ALFRED	BARTH	J	~~HISPANIC~~ W	MALE	511	185	BLK	BRN

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	06/19/1983	39	E	B630921832190	FL	

Place of Birth:	Brooklyn, NY

Address
* RESIDENCE / 4969 SAMBLE PINE CIR APT D1 , WEST PALM BEACH, FL 33417 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
9/17/2022 2:54:17 AM	PUBLIC PLACE	NB I-95 (SR-9) SOF STATE ROAD 798 (PALMETTO PARK RD)

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
			PALM BEACH	BOCA RATON	FL	

Charge : S

Counts	Charge	Bond Amount	
1	316.193.3c1	$0.00	☐ No Bond

Charge Degree	Charge Level
F	MISDEMEANOR

General Offense Code	Arrest Offense Code
	DUI-UNLAW BLD ALCH

Charge Description
DUI AND DAMAGE PROPERTY

Is Arrestee Juvenile?	No
Type of Arrest	On-View Arrest (apprehension without a warrant or previous incident report)

OR

SEP 17 AM 8:28

DS Hanks 6760

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Bond Set by Court

Bond Amount	☐ No Bond

Bond Type(s)

Probable Cause

On Saturday, September 17, 2022, at approximately 1:35AM, I was dispatched northbound on Interstate 95 (SR-9) just south of State Road 798 (Palmetto Park Road); in reference to a two (2) vehicle crash.

Upon my arrival, I observed a black Chrysler 300; bearing a Florida Tag: QQKH17, the black Chrysler was on the outside shoulder with heavy front-end damage, facing north. I then observed a white male leaning against the concrete barrier wall who was later identified by his Florida Driver's License (FL DL: B-630-921-83-219-0) as Mr. William Alfred Barth. I approached Mr. Barth and asked him what happened. Mr. Barth stated that he was driving in the outside center lane and another vehicle suddenly stopped in front of his black Chrysler 300. As a result, the front of his vehicle collided with a white box truck. I observed heavy damage in the front of the black Chrysler 300 and the front airbags were deployed.

As I was talking to Mr. Barth, I observed that he could not maintain his balance. Mr. Barth had slurred speech, and I could smell a strong odor of an unknown alcoholic beverage coming from his breath and facial area as he spoke. Mr. Barth appeared to be disoriented.

Moments later, the Mr. Barth's black Chrysler was towed by Westway towing due to heavy front-end damage and airbag deployment.

I then made contact with a black male who was later identified by his Florida Driver's License (FL DL: D-620-200-65-372-0) as Edmond Dareus. Mr. Dareus stated that he was the driver of a white Isuzu box truck bearing a Florida Tag: QXIC76. Mr. Dareus stated that he was driving in the outside center lane when his white Isuzu box truck got rear-ended by the black Chrysler 300. Prior to my arrival, both vehicles were moved from final rest to the outside shoulder, facing north. The white Isuzu box truck had rear damage.

After interviewing Mr. Dareus, I went back to Mr. Barth. I asked Mr. Barth where he was coming from. He stated that he was coming from Down Town West Palm Beach and he was trying to go to his house in West Palm Beach near Haverhill Road. I then asked Mr. Barth if he knew what direction he was traveling. Mr. Barth stated that he was traveling in south direction. However, Mr. Barth was traveling on Interstate 95 in north direction. In addition, Mr. Barth was near Palm Beach County and the Broward County line, but he claimed that he was at Congress Avenue. I asked Mr. Barth if he consumed any alcoholic beverage tonight. He stated that he drank one Bud Light beer earlier. As I was talking to Mr.

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Barth, he continued to show signs of impairment including bloodshot eyes, slurred speech and the strong odor of an unknown alcoholic beverage coming from his breath.

I informed him that the crash investigation had ended, and I was beginning a DUI investigation. I read him his Miranda Rights which he stated that he understood his rights and willing to talk to me. I continued observing that Mr. Barth was unable to maintain his balance, I then explained to Mr. Barth based on my observation I believed that he was operating a motor vehicle under the influence of alcohol. I then asked him if he was willing to perform the standardized field sobriety exercises and he agreed to perform the exercises.

Due the geographical area, small shoulder and bad weather condition, I advised Mr. Barth that he could not perform the exercises on the outside shoulder. Mr. Barth was transported to a safer location and was taken to Valero gas station just east of I-95 on Palmetto Park Road.

When we arrived at the Valero gas station, I asked Mr. Barth again if he was willing to perform the Standardized Field Sobriety Exercises and he agreed to perform the exercises.

I then began the exercises in the following order: Horizontal Gaze Nystagmus (HGN), Walk and Turn (WAT) and One Leg Stand (OLS). Before I gave Mr. Barth the instructions regarding the exercise, I asked him if he had any medical conditions or injuries that could prevent him from performing these exercises. He stated "No." I asked him if he wears glasses and contacts and he stated "Yes", that he wears glasses, but he was wearing contacts.

I first gave him the instructions on the first Horizontal Gaze Nystagmus exercise and asked him if he understood the instructions before starting the exercise, and he said "Yes". I asked Mr. Barth to follow the red-light tip of my pen with his eyes only and instructed him not to move his head. While conducting the HGN exercise I observed a lack of smooth pursuit and the onset of nystagmus prior to 45 degrees in both eyes. In addition, I observed the distinct and sustained nystagmus at maximum deviation in both eyes.

I then gave Mr. Barth the instructions for the second exercise "Walk and Turn" exercise and I asked him if he understood, and he stated "Yes". I used a solid white line from the parking lot for the exercise. One of the instructions on this exercise was to maintain the starting position and to not start until told to do so. Mr. Barth failed to remain on the staring position. Mr. Barth did not step heel to toe from the 3rd steps and 5th steps going forward. He used arms for balance and made an improper turn.

I then gave Mr. Barth instructions on the OLS. I asked him if he understood; he stated "Yes". After demonstration and giving all the instructions to Mr. Barth, I asked him to perform the exercise. While Mr. Barth was performing the exercise, He did not count "one thousand thirteen" and "one thousand fifteen", the raised foot was not raised six (6) inches off the ground and his knee was bent, he placed foot down before the 30 seconds passed.

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Based on my observations and clues observed during Mr. Barth performance of the standardized field sobriety exercises, I determined that I had probable cause to believe that Mr. Barth was operating a motor vehicle while under the influence of alcoholic beverages, to the point that his normal faculties were impaired. Mr. Barth was placed under arrest on Saturday, September 17th, 2022 at 5:54AM. He was later transported to that Palm Beach County Sheriff's Office Breath Alcohol Testing (BAT) facility.

At the BAT facility a 20-minute observation period was conducted. Mr. Barth did not ingest anything by mouth nor regurgitate. The breath technician then asked me to take Mr. Barth inside the breathalyzer room where I asked Mr. Barth if he wanted to provide a breath test sample in order to determine his breath alcohol concentration (BAC). Mr. Barth agreed to provide two breath samples. After receiving all instructions, Mr. Barth blew twice as requested. A valid breath sample result was given. His first breath sample was taken at 4:03AM and the test result was .129 BAC and his second breath sample was taken at 4:06AM and the result was .132 BAC.

Mr. Barth committed the offense of DUI Alcohol or Drugs and damage property as outlined in Florida State Statute 316.193 (3) (C) 1.

All of the above events occurred in Palm Beach County, Florida.

*Video and Audio of FHP0561 are available upon request. *

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
9/17/2022 09:30 AM	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	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	10/18/2022 1:30PM	

Comments

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit

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DEPEINE, KENS **TPR** **4782**	**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
DEPEINE, KENS	**TPR**	**4782**

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.

○ 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 # 22-109853 PBSO ZONE 7-12

AGENCY CASE # FHP22ON0475360 CRASH CASE # FHP22ON0475360

TIME OF STOP/CRASH 1:35 Am DATE 9-17-22 DAY Saturday

SUBJECT'S NAME William A Bath JR RACE White (Hispanic) SEX MALE

HGT 5.11 WGT 185 DOB 6-19-1993

LOCATION NB I-95 (SR-9) S of State Road 78 (Palmetto park Rd)

ARRESTING OFFICER'S NAME & ID Tpr. Kens Depeine #4782 AGENCY FHP

DIVISION: _____

NOTIFIED BY COMMO ✓

ARRIVAL AT FACILITY 0332 HRS

BREATH RESULTS: **Arrest Time** 2:54 Am

1. .129
2. .132
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: 09/17/2022

Date of Last Agency Inspection: 09/16/2022
Observation Period Began: 03:32
Subject's Name: WILLIAM A BARTH JR. DOB: 06/19/1983 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	04:01
Air Blank	0.000	04:01
Control Test	0.080	04:02
Air Blank	0.000	04:02
Subject Sample #1	0.129	04:03
Air Blank	0.000	04:03
Air Blank	0.000	04:05
Subject Sample #2	0.132	04:06
Air Blank	0.000	04:06
Control Test	0.079	04:07
Air Blank	0.000	04:07
Diagnostics Check	OK	04:07

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: 09-17-22
Signature

Sworn to (or affirmed) before me this 17 day of September, 2022

Signature of Notary Public-State of Florida

Trp. Depeine #4782
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-L TRP. DEPEINE #4782

SUBJECT: BARTH JR., WILLIAM A.

CASE NUMBER: 22-109853

DATE: 09-17-22

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 03:57 HRS

ENDING TIME: 04:08 HRS

BREATH TESTS RESULTS: 1) .129 TIME 04:03 A.M.☒ P.M.☐ 2) .132 TIME 04:06 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: SLUR

ATTITUDE: CALM, QUIET, COOPERATIVE

CLOTHING: SHIRT- BLACK PANTS- GRAY JEANS

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 DEPEINE #4782
A/O REQUESTED THE BREATH TEST .
D SUBMITTED TO THE REQUEST.
D COMPLETED THE TEST CORRECTLY.
EXPLAINED THE BREATH RESULTS TO THE D.
NO Q&A CONDUCTED.

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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: 2022024404	**Date:** 9/18/2022
	Specialist Name/ID: M. Tooks #8557