

23CT3987 MB

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

Check if Supplement is Attached

ARREST / NOTICE TO APPEAR  
Juvenile Referral Report

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

1 1 N

OBTS Number	Agency ORI Number FL01 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE	Agency Report Number 0 6 1-23042012
Charge Type: Check as many as apply	1. Felony <input type="checkbox"/>	2. Traffic Felony <input type="checkbox"/>	3. Misdemeanor <input type="checkbox"/>	4. Traffic Misdemeanor <input type="checkbox"/>
Location of Arrest (Including Name of Business)			Location of Offense (Business Name, Address)	
MANDARIN BLVD & 40TH RUN NORTH, LOXAHATCHEE, FL 33470			MANDARIN BLVD & 40TH RUN NORTH, LOXAHATCHEE, FL 33470	
Date of Arrest 03/01/2023	Time of Arrest 23:55	Booking Date	Booking Time	Jail Date
Location of Vehicle			Garden's Towing	

Name (Last, First, Middle) <b>DESIMONE, BRANDON, TYLER</b>		Alias (Name, DOB, Soc. Sec. #, Etc.)		
Race W - White B - Black	1 - American Indian O - Oriental/Asian	Sex W M	Date of Birth 2/25/1992	Height 6'01"
Weight 215	Eye Color BLUE	Hair Color BROWN	Complexion LIGHT	Build LARGE
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) <b>TATTOOS - LEFT FOREARM, CENTER BACK, RIGHT CHEST</b>			Marital Status Single	Religion CHRISTIAN
Local Address (Street, Apt. Number) 17411 41ST ROAD NORTH, LOXAHATCHEE, FL 33470		(City)	(State)	(Zip)
Permanent Address (Street, Apt. Number)		(City)	(State)	(Zip)
Business Address (Name, Street)		(City)	(State)	(Zip)
D/L Number, State D255078920650, FL	Soc. Sec. Number	INS Number	Place of Birth (City, State) SAVANNAH, GA	Citizenship U.S.

Co-Defendant (Last, First, Middle)	Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile
Co-Defendant (Last, First, Middle)	Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile

<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other	Name (Last)	(First)	(Middle)	Residence Phone
Address (Street, Apt. Number)				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 <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk's Office (Phone (561) 355-8511) informed of any change of address.			School Attended	Grade
<input type="checkbox"/> Yes, by: (Name)	<input type="checkbox"/> No (Reason)		Value of Property	

Drug Activity N. N/A P. Possess	S. Sell 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 Description D.U.I.	Courts 01	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number 316.193(1)(a)	Violation of ORD #						
Drug Activity N	Drug Type N	Amount / Unit N/A	Offense # 23042012	Warrant / Capias Number	Bond					
Charge Description REFUSED TO SIGN/ACCEPT SUMMONS	Courts 01	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number 318.14(3)	Violation of ORD #						
Drug Activity N	Drug Type N	Amount / Unit N/A	Offense # 23042012	Warrant / Capias Number	Bond					
Charge Description	Courts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number	Violation of ORD #						
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond					
Charge Description	Courts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number	Violation of ORD #						
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond					

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 **MARCH** Day **30th** Year **2023** Time **08:30** A.M.  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

*Refused to Sign*  
Signature of Arresting Officer (Print)  
**INV. A. SENTMANAT**

Date Signed  
**03/01/2023**

I consent to receive text reminders of court date(s) and times for this case by automated technology to the mobile number identified above. I understand that standard text message rates may apply, and that I may revoke this consent via the text message system if I choose.

Signature

HOLD for other agency	Signature of Arresting Officer x <i>[Signature]</i>	Name Verification (Printed by Arrestee)
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal	<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other	Name of Arresting Officer (Print) <b>INV. A. SENTMANAT</b>
Inmate Deputy <i>[Signature]</i>	I.D. # <b>24968</b>	I.D. # <b>24968</b>
Pouch #	Transporting Officer <b>INV. A. SENTMANAT 24968</b>	Agency <b>PBSO</b>
Witness here if subject signed with an "X"		PAGE <b>1 OF 1</b>

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OBTS Number		<b>PROBABLE CAUSE AFFIDAVIT</b>		1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias	1	Juvenile
ADMIN	Agency ORI Number <b>FLO 50000</b>	Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>	Agency Report Number <b>06- 23042012</b>				
	Charge Type: Check as many as apply.		Special Notes:				
CHARGES	Name (Last, First, Middle) <b>Desimone, Brandon T</b>		Alias	Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>2/25/1992</b>	
	<b>DUI</b>						
VICTIM	Victim's Name (Last, First, Middle) <b>State of Florida</b>		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					
<p>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</p> <p><input checked="" type="checkbox"/> committed the below acts in my presence.      <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.</p> <p><input type="checkbox"/> confessed to _____ admitting to the below facts.      <input type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.</p> <p>On the <u>1st</u> day of <u>March</u> 20<u>23</u> at <u>2331</u> <input type="checkbox"/> A. M. <input checked="" type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest.)</p> <p><b>On March 1st, 2023 at approximately 2330 hours I was conducting proactive patrols in the area of West Sycamore Dr and Mandarin Blvd in the unincorporated area of Palm Beach County Florida. I was operating my PBSO issued patrol vehicle which has external lights and sirens attached. It should be noted that I was wearing my agency issued Class B uniform, which had "sheriff" patches affixed to both sleeves, and a five point star badge on the front, clearly identifying me as a law enforcement officer.</b></p> <p><b>While driving east on Sycamore drive I observed a white Ford F150 traveling South on Mandarin Blvd fail to stop at the stop sign at the intersection with Sycamore Dr. I turned South behind the vehicle to conduct a traffic stop. The vehicle was traveling at a high rate of speed. The truck stopped at W. Allen Black Blvd and turned around to travel North on Mandarin Blvd and again was traveling at a high rate of speed. I caught back up the the vehicle at the stop sign at Mandarin and W. Sycamore Dr. The vehicle failed to stop and nearly collided with other vehicles. The vehicle attempted to pass other vehicles, crossing the double lines. I initiated a traffic stop on the vehicle, with a final stop in the Southbound lanes of Mandarin Blvd Facing North. PBSO DUI Unit arrived on scene and took over the traffic stop.</b></p>							
ADMINISTRATIVE	STATE OF FLORIDA COUNTY OF PALM BEACH <u>D/S N. Turner</u> (ID #) <u>35197</u> (Signature of Arresting/Investigative Officer)						
	The foregoing instrument was sworn to or affirmed and subscribed before me this <u>2ND</u> day of <u>MARCH</u> 20 <u>23</u> by <u>D/S N. Turner #35197</u> (Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced <u>KNOWN</u> <u>Inv. A. Sentmanet C. J. P. #24968</u> Notary Public, Clerk of Court, Officer (F.S.S. 117.10)						

NOTARIAL

# D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 1st DAY OF MARCH 20 23, AT 23:31 AM  PM

SUBJECT: DESIMONE, BRANDON, TYLER CASE NUMBER: 23042012

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. A. SENTMANAT

## PERSONAL CONTACT

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

On Wednesday March 1, 2023 at approximately 2335hrs I responded to Mandarin Blvd and 40th Run North, Loxahatchee, FL 33470 in reference to a DUI investigation on a suspected impaired driver. Upon arrival I spoke with D/S Turner #35197 and he advised the following: On March 1st, 2023 at approximately 2330 hours I was conducting proactive patrols in the area of West Sycamore Dr and Mandarin Blvd in the unincorporated area of Palm Beach County Florida. I was operating my PBSO issued patrol vehicle which has external lights and sirens attached. It should be noted that I was wearing my agency issued Class B uniform, which had "sheriff" patches affixed to both sleeves, and a five point star badge on the front, clearly identifying me as a law enforcement officer. While driving east on Sycamore drive I observed a white Ford F150 traveling South on Mandarin Blvd fail to stop at the stop sign at the intersection with Sycamore Dr. I turned South behind the vehicle to conduct a traffic stop. The vehicle was traveling at a high rate of speed. The truck stopped at W. Allen Black Blvd and turned around to travel North on Mandarin Blvd and again was traveling at a high rate of speed. I caught back up the vehicle at the stop sign at Mandarin and W. Sycamore Dr. The vehicle failed to stop and nearly collided with other vehicles. The vehicle attempted to pass other vehicles, crossing the double lines. I initiated a traffic stop on the vehicle, with a final stop in the Southbound lanes of Mandarin Blvd Facing North.

## OBSERVATION OF DRIVER:

Upon making contact with the defendant who was leaning against his vehicle. The driver was identified as W/M Brandon Tyler Desimone (02/25/92). I immediately smelled an obvious odor of an unknown alcoholic beverage coming from his person. I observed the defendant's eyes to be glassy, watery, and bloodshot. I also observed the defendant to have a slow and slurred speech and at times he mumbled. The defendant had a pale and flushed face. The defendant was also lethargic. The defendant was asked to speak with me in front of my patrol car, as he walked towards my vehicle he staggered to the side and had an unstable balance. I also observed the defendant to have a sway as he stood normally without walking. He also walked slow and deliberately towards my vehicle.

## DRIVER'S STATEMENTS:

The defendant stated he has no physical defects or injuries. He stated he has no medical conditions. He stated he is not taking any prescribed medications. He stated he was on his way home, from the 7-11. He stated he was driving on Mandarin. He stated he had not drank any alcohol.

## ODORS:

An obvious odor of an unknown alcoholic beverage coming from his breath which intensified as he spoke with me.

## GENERAL OBSERVATIONS

SPEECH: Slow, slurred, thick and at times difficult to understand.

ATTITUDE: Uncooperative.

CLOTHING: Blue t-shirt, camo shorts, and brown flip flops.

MEDICAL/OTHER: None.

STATE OF FLORIDA  
COUNTY OF PALM BEACH

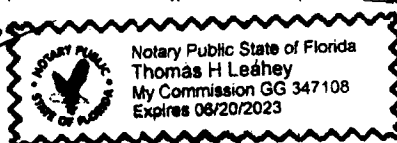
INV. A. SENTMANAT  
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2nd day of MARCH 2023 by INV. A. SENTMANAT

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

Thomas Leahey (#19183)

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



SUBJECT: DESIMONE, BRANDON, TYLER CASE NUMBER 23042012

**ROADSIDE TASKS**

**HORIZONTAL GAZE NYSTAGMUS:**

- |  |  |
|--|--|
| <input type="checkbox"/> LT EYE-LACK OF SMOOTH PURSUIT                           | <input type="checkbox"/> RT EYE-LACK OF SMOOTH PURSUIT                           |
| <input type="checkbox"/> LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION | <input type="checkbox"/> RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION |
| <input type="checkbox"/> LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES          | <input type="checkbox"/> RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES          |

**Other Observations:**

**WALK & TURN:**

Based on the indicators of impairment he was exhibiting I asked him to perform the Standardized Field Sobriety and he said that he would not. I explained to the defendant if he refused to submit to the Roadside Tasks that I was asking him, I would be forced to conclude my investigation and determine whether or not to arrest him based on the totality of my investigation, and the signs of impairment that were observed by the deputy that conducted the traffic stop and the signs of impairment that I had observed. I also explained to him that his refusal could be used against him in court. He verbally stated he understood. I then asked him if he was willing to do the Roadside Tasks with that in mind, he disagreed.

**ONE LEG STAND:**

Based on the indicators of impairment he was exhibiting I asked him to perform the Standardized Field Sobriety and he said that he would not. I explained to the defendant if he refused to submit to the Roadside Tasks that I was asking him, I would be forced to conclude my investigation and determine whether or not to arrest him based on the totality of my investigation, and the signs of impairment that were observed by the deputy that conducted the traffic stop and the signs of impairment that I had observed. I also explained to him that his refusal could be used against him in court. He verbally stated he understood. I then asked him if he was willing to do the Roadside Tasks with that in mind, he disagreed.

**FINGER TO NOSE:**

Based on the indicators of impairment he was exhibiting I asked him to perform the Standardized Field Sobriety and he said that he would not. I explained to the defendant if he refused to submit to the Roadside Tasks that I was asking him, I would be forced to conclude my investigation and determine whether or not to arrest him based on the totality of my investigation, and the signs of impairment that were observed by the deputy that conducted the traffic stop and the signs of impairment that I had observed. I also explained to him that his refusal could be used against him in court. He verbally stated he understood. I then asked him if he was willing to do the Roadside Tasks with that in mind, he disagreed.

**ROMBERG ALPHABET:**

Based on the indicators of impairment he was exhibiting I asked him to perform the Standardized Field Sobriety and he said that he would not. I explained to the defendant if he refused to submit to the Roadside Tasks that I was asking him, I would be forced to conclude my investigation and determine whether or not to arrest him based on the totality of my investigation, and the signs of impairment that were observed by the deputy that conducted the traffic stop and the signs of impairment that I had observed. I also explained to him that his refusal could be used against him in court. He verbally stated he understood. I then asked him if he was willing to do the Roadside Tasks with that in mind, he disagreed.

**BREATH TEST RESULTS:**  1) REFUSED  2) REFUSED  3)  4)

STATE OF FLORIDA  
COUNTY OF PALM BEACH

INV. A. SENTMANAT

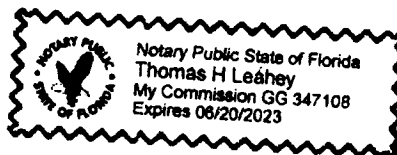
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2nd day of MARCH 2023 by INV. A. SENTMANAT

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

Thomas Leahey (#19183)

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



**STATE OF FLORIDA**  
**AFFIDAVIT OF REFUSAL TO SUBMIT TO**  
**BREATH TEST**

I, INV A. SENTMANAT, a duly certified Law Enforcement Officer or Correctional Officer,  
(Person reading Implied Consent Warning)  
 am a member of Palm Beach County Sheriffs Office, and I do swear

or affirm that on or about the FIRST day of March, 2023, at 11:55 PM

DRIVER BRANDON TYLER DESIMONE  
(Type or Print) FIRST MIDDLE OR MAIDEN LAST

DL # D255078920650, state of FL, was placed under lawful arrest for

the offense of DUI by INV A. SENTMANAT and  
(Name of Arresting Officer)

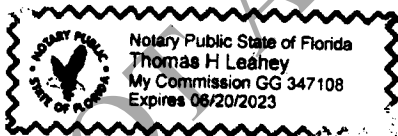
issued Citation # AGY7MDE.

That on or about the SECOND day of March, 2023, at 1:14 AM  
 in Palm Beach County,

I requested that the driver submit to a **BREATH** test for the purpose of determining its alcohol content. I informed the driver that the refusal to submit to such test 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, or if he or she had been previously fined under s. 327.35215, F.S., 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, or if he or she has been previously fined under s. 327.35215, F.S., for refusal to submit to a lawful test of his or her breath, urine, or blood. Nonetheless, the driver refused to submit to the test requested.

Inv. A. Sentmanat 24968  
 Signature of Law Enforcement Officer or Correctional Officer

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



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 02 day of March, 2023,  
 by Inv A Sentmanat

who is personally known to me or who has produced  
Krumm as identification.

Notary Public T. Leahy

The foregoing instrument was sworn and subscribed before me:

\_\_\_\_\_  
 Signature of Attesting Officer

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date

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.

# WITNESS LIST

CASE NUMBER: 23042012

ARRESTING OFFICER: INV. A. SENTMANAT

ADDRESS: CID/DUI

PHONE NUMBERS (HOME): \_\_\_\_\_ (WORK) 561-688-3400

CAN TESTIFY TO: FACTS OF THE CASE AND DUI INVESTIGATION.

NAME: D/S TURNER #35197

ADDRESS: 3228 GUN CLUB ROAD, WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) 561-688-3400

CAN TESTIFY TO: DRIVING PATTERN, TRAFFIC STOP, AND SIGNS OF DRIVER'S IMPAIRMENT

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) 0

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: \_\_\_\_\_

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 \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NOT A CERTIFIED COPY

# TESTING FACILITY TASK REPORT

AGENCY:

SUBJECT:

CASE NUMBER:

DATE:

VIDEO DVD NUMBER:

BEGINNING TIME:

ENDING TIME:

BREATH TESTS RESULTS: 1)  TIME  A.M.  P.M.  2)  TIME  A.M.  P.M.   
3)  TIME  A.M.  P.M.  4)  TIME  A.M.  P.M.

BREATH OPERATOR:

MAINTENANCE TECHNICIAN:

## TESTING OFFICER'S OBSERVATIONS

# REFUSED

SPEECH:

ATTITUDE:

CLOTHING:

MEDICAL CONDITIONS:

MEDICATIONS:

# REFUSED

## OTHER:

Eyes are glassy & bloodshot

## COMMENTS:

Arrived at center A/O started 20 minute observation period at 00:48 hrs.

Subject refused to perform breath test.

A/O read I/C and subject stated he understood I/C.

Subject refused to take test.

A/O read rights.

Subject stated he understood rights.

A/O attempted Q&A.

Subject refused to answer Q&A.



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

PBSO CASE # 23042012 PBSO ZONE 15-11

AGENCY CASE # \_\_\_\_\_ CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 23:31 DATE 03/01/2023 DAY Wednesday

SUBJECT'S NAME DESIMONE, BRANDON, RACE W SEX M

HGT 6'01" WGT 215 DOB 2/25/1992

LOCATION MANDARIN BLVD & 40TH RUN NORTH, LOXAHATCHEE, FL 33470

ARRESTING OFFICER'S NAME & ID INV. A. SENTMANAT (24968) AGENCY Palm Beach County Sheriff's Office

DIVISION: CID/DUI

NOTIFIED BY COMMO NO

ARRIVAL AT FACILITY 00:48

ARREST TIME 23:55

BREATH RESULTS:

1)	
2)	
3)	
4)	

**REFUSED**

TESTING OFFICER'S ID 16877

PBSO VIDEOTAPE # N/A

NOT A CERTIFIED COPY

SUBJECT: Desimone, Brandon T. CASE NUMBER: 23-042012

## **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  NO  Do you still refuse to submit to this test? YES  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  NO  Do you still refuse to submit to this test? YES  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

SUBJECT: Lesher, Erika T. CASE NUMBER: 12-71-012

### 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: \_\_\_\_\_



**Palm Beach County Sheriff's Office – Arrests Only**

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

REVIEW COMPLETED BY

Booking Number: 2023005712	Date: 3/2/2023
	Specialist Name/ID: Chantel Daniels/30347