

0123185

24CT2876AMB

1134

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 Juvenile N

OBTS Number	Agency ORI Number FL0: 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE	Agency Report Number 0 6 1 24-034973
Charge Type: Check as many as apply	1. Felony <input type="checkbox"/>	2. Traffic Felony <input checked="" type="checkbox"/>	3. Misdemeanor <input type="checkbox"/>	4. Traffic Misdemeanor <input type="checkbox"/>
Location of Arrest (including Name of Business) 12100 FOREST HILL BY WELLINGTON FL 33414			Location of Offense (Business Name, Address) 12100 FOREST HILL BY, WELLINGTON FL 33411	
Date of Arrest 02/15/2024	Time of Arrest 2236	Booking Date	Booking Time	Jail Date

Name (Last, First, Middle) TUOMI, DANA, ELLIS		Alias (Name, DOB, Soc. Sec. #, Etc.)		
Race W - White B - Black	I - American Indian O - Oriental/Asian	Sex M	Date of Birth 3/24/1972	Height 600
Weight 170	Eye Color GRN	Hair Color BROWN	Complexion FAIR	Build LARGE
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) TAT ALL OVER		Marital Status Single	Religion CHRISTIAN	Indication of Alcohol influence Drug influence
Local Address (Street, Apt. Number) 18346 SE BIRDIE LN, TEQUESTA FL 33469		Mobile Phone (561) 379 4258	Residence Type: 1. City 2. County 3. Florida 4. Out of State	
Permanent Address (Street, Apt. Number) / /		Phone ()	Address Source FL DL	
Business Address (Name, Street) ()		Phone ()	Occupation ELECTRICIAN	
D/L Number, State T500165721040, FL		INS Number	Place of Birth (City, State) DALLAS TX	Citizenship US

Co-Defendant (Last, First, Middle)	Relationship	Sex	Date of Birth	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"/>
Co-Defendant (Last, First, Middle)	Relationship	Sex	Date of Birth	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"/>	Name (Last)	(First)	(Middle)	Residence Phone
Other <input type="checkbox"/>	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 defendant and / or defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk's Office (Phone (561) 365-6511) informed of any change of address.

Yes, by: (Name) No (Reason)

Property Crime? Yes No

Description of Property

Value of Property

Drug Activity N. WA R. Possess	S. Sell B. Buy 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/Denv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other
Charge Description DUI	Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Statute Violation Number 316.193(1)A	Violation of ORD #		Warrant / Capias Number	Bond			
Charge Description REFUSAL TO SUBMIT TO TESTING	Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Statute Violation Number 316.1939(1)	Violation of ORD #		Warrant / Capias Number	Bond 1			

Location (Court, Room Number, Address)
3228 GUN CLUB RD WEST PALM BEACH FL 33406

Court Date and Time
Month FEBRUARY Day 29 Year 2024 Time 0800 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

Signature of Defendant (or Juvenile and Parent/Custodian)
Date Signed 02/16/2024

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.

HOLD for other agency Signature of Arresting Officer X | Name Verification (Printed by Arrestee) SCANNED || Dangerous Resisted Arrest Suicidal Other | Name of Arresting Officer (Print) INV. E.K. WHITE | I.D. # 7209 |
| Intake Deputy COT NORTON 7209 | Transporting Officer INV. E.K. WHITE 7209 | Agency PBSO |
| Witness here if subject signed with an "X" | | 1 OF 1 |

PROBABLE CAUSE AFFIDAVIT

OBTS Number

1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias

Juvenile N

Agency ORI Number: FLO 5 0 0 0 0 0 Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE Agency Report Number: 24-034973

Charge Type: 1 Felony 2 Traffic Felony 3 Misdemeanor 4 Traffic Misdemeanor 5 Ordinance 6 Other

Name (Last, First, Middle): TUOMI, DANA, ELLIS Alias: Race: W Sex: M Date of Birth: 3/24/1972

Charge Description: DUI 316.193(1)(A) Charge Description: REFUSAL TO SUBMIT TO TESTING 316.1939(1)

Victim's Name (Last, First, Middle): Local Address (Street, Apt Number): Business Address (Name, Street):

The undersigned certifies and swears that I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law. The Person taken into custody: [] committed the below acts in my presence. [] confessed to admitting to the below facts. [] was observed by who told that he/she saw the arrested person commit the below acts. [x] was found to have committed the below acts, resulting from my (described) investigation.

On the 15 day of FEBRUARY 20 24 at 2139 [] A.M [x] P.M (Specifically include facts constituting cause for arrest.)

[] Marsey's Law CVI FL Const. Art.1 § 18(b)

On Thursday, February 15, 2024 at approximately 2140 hours, I responded to the Wellington Amphitheater, located at 12100 Forest Hill Boulevard, Wellington (Palm Beach County) Florida, to assist Deputy Harold Harper with a "Mobile Eyes" complaint regarding a patron leaving a concert who appeared to have been drinking. Upon my arrival to the Amphitheater I saw a brown utility vehicle stopped in the roadway facing north. D/S Harper's patrol vehicle was stopped behind it with his emergency lights activated. A white male was standing in front of one of the patrol vehicles. A white female was standing with a deputy on the passenger side of the utility vehicle. I spoke with D/S Harper who told me the following regarding the complaint and contact with the driver: On 02/15/24 at approximately 09:40 hours I was exiting a security detail at 12150 Forest Hill Blvd, Wellington, FL 33414. I got into my patrol vehicle and was stopped at a stop sign at the exit of the rotary driveway at the front of the Wellington Community Center. I saw a caucasian male in a black t shirt and blue jeans approaching my vehicle while he was on the telephone. The man walked up to my passenger side window and explained that he just left an event at the Wellington amphitheater and pointed back to a man who was shouting and talking to a group of people with a cup in his hand. The male told me that the man was "hammered" and had too much to drink and had just gotten into his truck. He pointed toward a dark colored SUV that was parked across the parking lot, and I watched the male he was pointing at get into his vehicle. The witness (whose name I did not get to collect) told me that he was on the phone with PBSDO dispatch. I told the man to tell the dispatcher that ID#7643 was present, and that I was currently logged in [redacted]. I then saw the reverse light activate on the vehicle in question, so I called out the incident on the radio and drove toward the vehicle. As the car started to back out, I went over my intercom and told the driver to leave the vehicle in park and remain inside. The vehicle pulled back into the space for a moment, and then backed up. The entire time I was saying in a loud voice "Do not back out of the parking space! Stop the vehicle!" The male backed the vehicle up into the space behind him, and made a turn to exit the parking lot. I went over the radio and identified the male as a white male wearing a light blue shirt wearing glasses. I also instructed dispatch that he was headed to Forest hill and not stopping despite my activated lights. As soon as the vehicle entered the main roadway, units arrived and the vehicle stopped. I verified again the man that the witness pointed out was indeed the man in the drivers seat, at which time I asked him if he had not heard my commands. The male told me that he didn't think I was trying to pull him over in particular, and had not heard my commands. I asked him to turn the vehicle off, and requested that he take the keys out of the ignition and drop them onto the roadway.

STATE OF FLORIDA COUNTY OF PALM BEACH INV. E.K. WHITE (Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of FEBRUARY 20 24 by INV. E.K. WHITE

Print name of Arresting/Investigative Officer who is personally known to me and/or produced identification. Type of identification produced KNOWN Notary Public, Clerk of Court, Officer (F.S.S.) 11 7, 1 0

MARIA R MOODY Notary Public - State of Florida My Comm. Expires Jul 18, 2026 Bonded through National Notary Assn.

PROBABLE CAUSE AFFIDAVIT

1 Arrest 3 Request for Warrant
2 NTA 4 Request for Capias

1

Juvenile

N

OBTS Number	Agency ORI Number FLO 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE	Agency Report Number 24-034973
Charge Type	Check as many as apply		Special Notes	
<input checked="" type="checkbox"/> 1 Felony	<input type="checkbox"/> 3 Misdemeanor	<input type="checkbox"/> 5 Ordinance		
<input checked="" type="checkbox"/> 2 Traffic Felony	<input type="checkbox"/> 4 Traffic Misdemeanor	<input type="checkbox"/> 6 Other		

Name (Last, First, Middle) TUOMI, DANA, ELLIS	Aliases	Race W	Sex M	Date of Birth 3/24/1972
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Charge Description DUI	316.193(1)A	Charge Description REFUSAL TO SUBMIT TO TESTING	316.1939(1)
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Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
Local Address (Street, Apt Number)	(City)	(State)	(Zip)
Business Address (Name, Street)	(City)	(State)	(Zip)

The undersigned certifies and swears that I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law. The Person taken into custody:

committed the below acts in my presence. was observed by _____ who told that he/she saw the arrested person commit the below acts.

confessed to _____ admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.

On the 15 day of FEBRUARY 20 24 at 2139 A.M P.M (Specifically include facts constituting cause for arrest.)

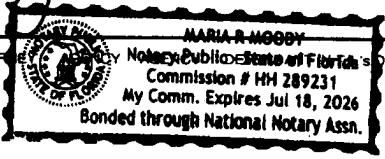
Marsey's Law CVI
FL. Const. Art.1 § 16(b)

He complied. A backup unit had the male wait at the front push bumper of my car while I ensured that the female passenger was the only other person in the vehicle. I was informed by a backup officer that they contacted the DUI unit, and I explained to the male (later identified as Dana Tuomi) that I was simply waiting for a specialized unit to arrive to determine if he had consumed too much alcohol to drive. Tuomi told me that he [redacted] and then conversed with me unit DUI units arrived to initiate their investigation: I made contact with the driver who was currently standing in front of the patrol vehicle. He was later identified as Dana Ellis Tuomi by his Florida driver license. He was energetic and jovial. His eyes were red, watery and glossy. His mouth was dry and he labored in keeping his balance. I could smell a strong odor of an unknown alcoholic beverage emanating from his breath that intensified when he spoke. He was wearing blue jeans, a T-shirt and brown sneakers. I reiterated to him the reason why he was stopped. Moreover, I told him I had a suspicion he had drank an unspecified amount of alcoholic beverages. He admitted to drinking [redacted]. He explained he was attending the concert and dancing in his father's honor. Based on my suspicion I asked if he would perform Standardized Field Sobriety Tasks to determined if he was impaired while operating his vehicle. He obliged. Prior to his performance I asked if he has any physical issues with his body and if he was taking medication. He reported he does not take medication, but has a lower back problem from old age and a knee issue dating ten years back from a skiing injury. He reported he is not seeing the doctor for his issues. When asked about his occupation he told me he is an electrician. He described his duties as climbing ladders, kneeling to pull cables and other physical demands. Based on is job duties I felt the tasks would not be as demanding as his normal job duties. I escorted him to a level surface that was smooth and free from any obstruction and debris. This area was well illuminated by ambient lighting and from the headlights of my patrol vehicle. I placed a yellow strip of tape on the surface that formed a line. The defendant identified the tape by announcing its color and placing his left foot on it when prompted to do so. The following tasks were explained, demonstrated and acknowledged by him prior to his performance: HGN, THE WALK AND TURN, ONE LEG STAND, FINGER TO NOSE AND THE ROMBERG ALPHABET RECITATION. His deficiencies were recorded on another form on this work packet.

STATE OF FLORIDA
COUNTY OF PALM BEACH
INV. E.K. WHITE
(Signature of Arresting Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of FEBRUARY 20 24 by INV. E.K. WHITE
(Print name of Arresting Investigative Officer) who is personally known to me and/or produced identification. Type of identification produced KNOWN

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



PROBABLE CAUSE AFFIDAVIT

1 Arrest 3 Request for Warrant
2 NTA 4 Request for Capias

1

Juvenile

N

OBTS Number	Agency ORI Number FLO 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE	Agency Report Number 24-034973
Charge Type Check as many as apply	<input type="checkbox"/> 1 Felony <input checked="" type="checkbox"/> 2 Traffic Felony	<input type="checkbox"/> 3 Misdemeanor <input type="checkbox"/> 4 Traffic Misdemeanor	<input type="checkbox"/> 5 Ordinance <input type="checkbox"/> 6 Other	Special Notes

Name (Last, First, Middle) TUOMI, DANA, ELLIS	Aliases	Race W	Sex M	Date of Birth 3/24/1972
Charge Description DUI	316.193(1)A	Charge Description REFUSAL TO SUBMIT TO TESTING	316.1939(1)	

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
Local Address (Street, Apt Number)	(City)	(State)	(Zip)
Business Address (Name, Street)	(City)	(State)	(Zip)

The undersigned certifies and swears that I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law.
 The Person taken into custody:
 committed the below acts in my presence.
 confessed to admitting to the below facts.
 was observed by _____ who told that he/she saw the arrested person commit the below acts.
 was found to have committed the below acts, resulting from my (described) investigation.
 On the 15 day of FEBRUARY 20 24 at 2139 A.M P.M (Specifically include facts constituting cause for arrest.)

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

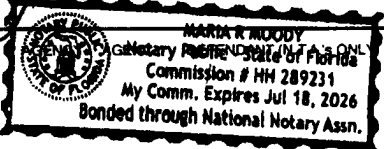
At the conclusion of the tasks, coupled with the D/S Harper's observation of the defendant's vehicle in motion after receiving a "Mobile Eyes" complaint, coupled with my observation of personal indicators of impairment exhibited by the defendant, probable cause was established for DUI. I told the defendant he was being placed under lawful arrest for the charge. He was handcuffed (with two sets checked for proper fit) prior to being seated into the rear of my patrol vehicle. D&D Towing responded on a rotation request and impounded the defendant's vehicle to their lot. Meanwhile I began transport to the main jail's breath analysis facility for further processing. Upon our arrival I escorted the defendant into the facility and began a 20 minute observation period. During this time the defendant did not ingest anything into his body orally or otherwise. Neither did he regurgitate. Afterward I escorted him into the testing room and asked him to provide breath samples for the purpose of detecting his alcohol content. He refused and was read implied consent. The defendant failed to provide a definitive answer to providing breath samples and asked for a lawyer. He continued to evade an answer and ask for a lawyer. Thus he was deemed a "Refusal". No Q&A was performed since he spoke over me while I attempted to advise him of his "Rights". A records check revealed [REDACTED] Based on this information he is additionally being charged with "Refusal to Submit to Testing. He was booked into the main jail on both charges.

NOTARIAL STATEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH
INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of FEBRUARY 20 24 by INV. E.K. WHITE
(Print name of Arresting/Investigative Officer, who is personally known to me and/or produced identification. Type of identification produced KNOWN

Notary Public, Clerk of Court, Officer (F.S.S. 11 7. 1 D)



SUBJECT: TUOMI, DANA, ELLIS

CASE NUMBER 24-034973

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LT EYE-LACK OF SMOOTH PURSUIT

RT EYE-LACK OF SMOOTH PURSUIT

LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Defendant was asked to stand erect with their feet together. They were told to remain in this position until the task was completed. They were asked to identify the stimulus that was held in front of their face. Afterward they were asked to follow the stimulus with their eyes and not to turn their head. They understood the instructions. The defendant showed equal pupil size and had no resting Nystagmus. During the tasks the defendant lacked smooth pursuit in both eyes. I saw distinct and sustained Nystagmus in both eyes. I saw an onset of Nystagmus prior to 45 degrees in both eyes.

WALK & TURN:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE WALK AND TURN. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject was unable to maintain their balance while placed in the instructional position (feet separated as they lost their balance). During the walking phase subject missed heel to toe, raised arms away from side more than six inches, stepped of line, stopped on line to steady, turned improperly- Restarted the task on his own accord after loosing his balance and stepping off the line.

ONE LEG STAND:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE ONE LEG STAND. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject put foot down, Uses arms for balance, Sways-Ceased in continuing the task for safety concerns

FINGER TO NOSE:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE FINGER TO NOSE. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject turned his head in the direction asked and failed to touch the tip of finger to the tip of nose as instructed, rather touched underneath, sides and underneath his nose. Subject searched for his nose by slowing his approach when nearing it. Subject failed to return his arms to his side after making contact with the errand part of his nose.

ROMBERG ALPHABET:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE ROMBERG ALPHABET TASK. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject recited the alphabet correctly.

BREATH TEST RESULTS:

STATE OF FLORIDA
COUNTY OF PALM BEACH

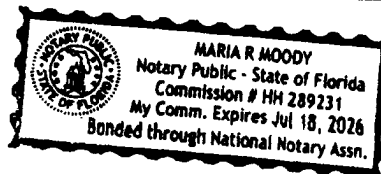
INV. E.K. WHITE

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of FEBRUARY 2024 by INV. E.K. WHITE

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

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



D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 15 DAY OF FEBRUARY 20 24, AT 2139 AM PM

SUBJECT: TUOMI, DANA, ELLIS CASE NUMBER: 24-034973

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. E.K. WHITE

PERSONAL CONTACT

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

SEE PC AFFIDAVIT

OBSERVATION OF DRIVER:

SEE PC AFFIDAVIT

DRIVER'S STATEMENTS:

ODORS:

STRONG ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE COMING FROM THEIR BREATH.

GENERAL OBSERVATIONS

SPEECH: **NORMAL**

ATTITUDE: **INATTENTIVE, COOPERATIVE, TALKATIVE**

CLOTHING: **LOOSE AND DISHEVELED**

MEDICAL/OTHER: **NONE**

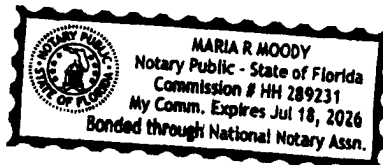
STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of FEBRUARY 20 24 by INV. E.K. WHITE

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

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



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

I, INV E.K. WHITE, 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
(Name of enforcement agency)

or affirm that on or about the FIFTEENTH day of February, 2024, at 10:36 PM

DRIVER DANA ELLIS TUOMI
(Type or Print) FIRST MIDDLE OR MAIDEN LAST

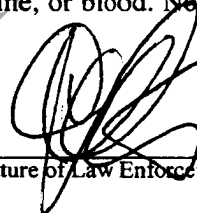
DL # T500165721040, state of FL, was placed under lawful arrest for

the offense of DUI by INV E.K. WHITE and
(Name of Arresting Officer)

issued Citation # AIKUZIE

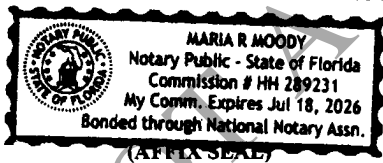
That on or about the SIXTEENTH day of February, 2024, at 12:06 AM
in Palm Beach County,

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.



Signature of Law Enforcement Officer or Correctional Officer

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



The foregoing instrument was sworn and subscribed before me this 16 day of February, 2024
by Inv E.K. White
who is personally known to me or who has produced

as identification.
Notary Public Maria R. Moody

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.

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: _____

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) _____

WHITE: STATE ATTY.

YELLOW: DHSMV

PINK: CENTRAL RECORDS

GOLD: JAIL



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

PBSO CASE # 24-034973 PBSO ZONE 8-22

AGENCY CASE # _____ CRASH CASE # _____

TIME OF STOP/CRASH 2139 DATE 02/15/2024 DAY Thursday

SUBJECT'S NAME TUOMI, DANA, ELLIS RACE W SEX M

HGT 600 WGT 170 DOB 3/24/1972

LOCATION 12100 FOREST HILL BV WELLINGTON FL 33414

ARRESTING OFFICER'S NAME & ID INV. E.K. WHITE (7209) AGENCY Palm Beach County Sheriff's Office

DIVISION: TRAFFIC/DUI

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 2335

ARREST TIME 2236

BREATH RESULTS:

1)	
2)	
3)	
4)	

REFUSED

NOT A CERTIFIED COPY

TESTING OFFICER'S ID 5460 PBSO VIDEOTAPE # _____

TESTING FACILITY TASK REPORT

AGENCY:

SUBJECT: CASE NUMBER:

DATE: VIDEO DVD NUMBER:

BEGINNING TIME: ENDING TIME:

BREATH TESTS RESULTS: 1) R TIME A.M. P.M. 2) N/A TIME A.M. P.M.

3) N/A TIME A.M. P.M. 4) N/A TIME A.M. P.M.

BREATH OPERATOR:

MAINTENANCE TECHNICAN:

TESTING OFFICER'S OBSERVATIONS

SPEECH:

ATTITUDE:

CLOTHING:

MEDICAL CONDITIONS:

MEDICATIONS:

OTHER:

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 2335 HRS.

SUBJECT: REFUSED TO TAKE TEST

A/O READ I/C THREE TIMES

SUBJECT: UNDERSTOOD I/C AND REFUSED TO ANSWER IF HE WOULD TAKE TEST

A/O REQUESTED IF HE WOULD PROVIDE A BREATH SAMPLE AND SUBJECT REFUSED

A/O CALLED REFUSAL

A/O ATTEMPTED TO READ RIGHTS

SUBJECT: REFUSED TO LISTEN TO A/O READING RIGHTS AND CONTINUED TO TALK OVER A/O

SUBJECT: INVOKED HIS RIGHTS TO AN ATTORNEY

NO Q & A CONDUCTED

NOT A CERTIFIED COPY
REFUSED

REFUSED

WITNESS LIST

CASE NUMBER: 24-034973

ARRESTING OFFICER: INV. E.K. WHITE

ADDRESS: TRAFFIC/DUI

PHONE NUMBERS (HOME): _____ (WORK) _____

CAN TESTIFY TO: FACTS

NAME: D/S HAROLD HARPER

ADDRESS: DIST 8

PHONE NUMBERS (HOME) _____ (WORK) 561 688 3000

CAN TESTIFY TO: STOPPING THE VEHICLE AND RECEIVING THE COMPLAINT

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: _____

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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



Palm Beach County Sheriff's Office

Florida State Statute Exemption Sheet

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel	
	<input checked="" type="checkbox"/>	119.071(2)(e)	Confession	4,7
Public Info. Exemptions	<input type="checkbox"/>	FL Const. Art. I, s. 16(b)(5)	Marsy's Law – victim information shall be redacted. The term "victim" also includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim. The term "victim" does not include the accused (ref. page 99 of the CRTM for additional information)	
	<input type="checkbox"/>	119.071(2)(j)	Home/employment telephone number, home/employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence	
	<input type="checkbox"/>	119.0712(2)	Personal information contained in a motor vehicle record	
	<input checked="" type="checkbox"/>	316.650(11)	Driver information contained in a uniform traffic citation	14-17
	<input type="checkbox"/>	119.071(4)(d)2.a.	Home addresses, telephone numbers, dates of birth, and photographs of active/former LE personnel, spouses, and children	
Florida Rules of Judicial Administration 2.420	<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"/>	(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"/>			
Other	<input checked="" type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC. §§ 943.053, 943.0525, Fla. Stat.	5
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			

REVIEW COMPLETED BY

Booking Number: 2024004320	Date: 2/16/2024
	Specialist Name/ID#: A. Paniagua/42769