

Marsy's Law invoked - CVI present

ARREST / NOTICE TO APPEAR

O. On-View
S. Surrender
T. Taken into Custody

JUVENILE

AD M I N I S T R A T I O N	Agency ORI Number 0500800		Agency Name West Palm Beach Police Department		Agency Report Number (N.T.A.'s only) 9 4 2023-0001136	
	Charge Type: ☐ 1. Felony ☐ 2. Traffic Felony		☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other	
	Location of Arrest (Including Name of Business) PALM BEACH LAKES BLVD/ VILLAGE BLVD, WPB		Location of Offense (Business Name, Address) 2199 PALM BEACH LAKES BLVD/VILLAGE BLVD, WEST			
	Date of Arrest 01/19/2023		Time of Arrest 23:22		Booking Date 01/19/2023	
D E F E N D A N T	Name (Last, First, Middle) HOPCHAK, DIEGO SEBASTIAN		Alias:			
	Race W - White		Sex M		Date of Birth 07/04/1986	
	Height 5'07		Weight 170		Eye Color BLUE	
	Hair Color BLACK		Complexion LIGHT		Build Medium	
C O D E F	Local Address (Street, Apt. Number) 5491 POINTER DR, GREENACRES, FL 33415		(City) FL		(Zip) 33415	
	Permanent Address (Street, Apt. Number) 5491 POINTER DR, GREENACRES, FL 33415		(City) FL		(Zip) 33415	
	Business Address (Name, Street) H122177862440 / FL		(City) FL		(Zip) 33415	
	D/L Number, State H122177862440 / FL		Soc. Sec. Number [REDACTED]		INS Number [REDACTED]	
J U V E N I L E	Co-Defendant Name (Last, First, Middle) [REDACTED]		Race [REDACTED]		Sex [REDACTED]	
	Co-Defendant Name (Last, First, Middle) [REDACTED]		Race [REDACTED]		Sex [REDACTED]	
	Name (Last, First, Middle) [REDACTED]		Residence Phone [REDACTED]		Business Phone [REDACTED]	
	Address (Street, Apt. Number) [REDACTED]		(City) [REDACTED]		(State) [REDACTED]	
C H A R G E	Charge Description DUI-DAMAGE TO PERSON/PROPERTY		Statute Violation Number 316.193(3C1)		Violation of ORD # [REDACTED]	
	Drug Activity N		Amount / Unit [REDACTED]		Offense # 4	
	Counts 4		Domestic Violence ☐ Y ☒ N		Warrant / Capias Number [REDACTED]	
	Charge Description [REDACTED]		Statute Violation Number [REDACTED]		Violation of ORD # [REDACTED]	
I N T A K E	Health / Apparent Physical Condition of Defendant [REDACTED]		Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries		Explain:	
	Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail		PROPERTY - Received By [REDACTED]		Released By [REDACTED]	
	Transported By [REDACTED]		Date Transported [REDACTED]		Time Transported [REDACTED]	
	Transported By [REDACTED]		Date Transported [REDACTED]		Time Transported [REDACTED]	
N O T I C E T O A P P E A R	☒ INSTRUCTION NO. 1 - Mandatory appearance in court ☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.		Location (Court, Room) Criminal Justice CRIMINAL JUSTICE COMPLEX		Court Date and Time 02/23/2023 08:30:00	
	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) [REDACTED]		Date Signed [REDACTED]	
	I CONSENT TO RECEIVE REMINDERS OF COURT DATE(S) AND TIMES FOR THIS CASE BY TEXT MESSAGE TO THE NUMBER IDENTIFIED HERE. I UNDERSTAND THAT STANDARD TEXT MESSAGE RATES MAY APPLY AND THAT I MAY REVOKE THIS CONSENT VIA THE TEXT MESSAGE SYSTEM IF I CHOOSE.		Name Verification (Printed by Arrestee) [REDACTED]		Page 1 OF 1	
	HOLD for Other Agency ☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other		Signature of Arresting Officer [REDACTED]		Name Verification (Printed by Arrestee) [REDACTED]	

DUI PROBABLE CAUSE AFFIDAVIT

On the 19 Day of January 2023 at 2322 A.M. P.M.

Subject: Hopchak, Diego Case Number: 20230001136

Agency: West Palm Beach Police Department Arresting Officer: Martinez #2104

Personal Contact

Driving Pattern

Actual physical control (physical evidence putting the driver behind the wheel)

I responded to the area of Village Blvd/ Palm Beach Lakes Blvd reference to a multi motor vehicle accident including a WPB Marked Police Vehicle. Sgt. Flores (V3, D3) stated he witnessed a black GMC Sierra FL NGU A14 travel eb on palm beach lakes blvd and attempt to turn left (north) on village blvd. During the course, the GMC Sierra struck a black mercedes vehicle, the GMC Sierra then struck a marked WPB Police Vehicle and then continued to travel north on Village Blvd before striking two more vehicles. Sgt. Flores advised that after he got struck, he exited his vehicle and went to check on other passengers. Sgt. Flores stated that as he went to the GMC Sierra, he saw a h/m wearing a black shirt exit the drivers side of the truck. The driver (D1) was identified by his FLDL as Diego Hopchak. Sgt. Flores and other officers stayed with D1 until I was called to begin a criminal driving under the influence investigation.

Observation of Driver

D1 had glassy, reddened eyes. D1 slurred as he spoke and was uneasy on his feet.

Drivers Statements:

Post Miranda, D1 stated that he would take the exercises I requested of him tomorrow

Odors:

Strong, unknown alcoholic substance that emanated from his breath and grew stronger as he spoke

General Observations

Speech: Slurred

Attitude: Happy

Clothing: Black Shirt, jeans, black boots

Medical Problems/Medications: None

Other: Driver origionally refused exercises. I explained to driver that refusal to do these exercises is admissable into court and that if he refused, I will have to base by decision on everything I have seen and heard thus far. Driver refused a second time.

DUI PROBABLE CAUSE AFFIDAVIT

Subject:

Hopchak, Diego

Case Number:

20230001136

Roadside Tasks

Horizontal Gaze Nystagmus

- ☐ Left Eye Does Not Follow Smoothly
☐ Left Eye Jerks at 45 Degree Angle or Less
☐ Distinct Jerking Left Eye at Maximum Deviation

- ☐ Right Eye Does Not Follow Smoothly
☐ Right Eye Jerks at 45 Degree Angle or Less
☐ Distinct Jerking Right Eye at Maximum Deviation

Driver Refused

Walk and Turn Task

Driver Refused

One Leg Stand

Driver Refused

Finger To Nose

Driver Refused

Romberg Balance

Driver Refused

Breath Results from Instrument

1st Result

0.206

2nd Result

0.211

3rd Result

If Applicable

N/A

State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this

1/20/23

(DATE)

☒ Personally Known

☐ Produced Identification

☐ Notary Public

Notary / Clerk of Courts / Officer (FSS: 117.10)

Signature of Arresting Officer

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT**

Instrument Type: Intoxilyzer 8000
Instrument Registered To: WEST PALM BEACH PD
Instrument Serial Number: 80-001235 Software: 8100.27
Date of Test: 01/20/2023

Date of Last Agency Inspection: 12/29/2022
Observation Period Began: 23:35
Subject's Name: DIEGO S WOPCHAK

DOB: 07/04/1986

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	00:08
	Air Blank	0.000	00:09
	Control Test	0.080	00:09
	Air Blank	0.000	00:09
	Subject Sample #1	0.206	00:10
	Air Blank	0.000	00:11
	Air Blank	0.000	00:12
	Subject Sample #2	0.211	00:13
	Air Blank	0.000	00:13
	Control Test	0.080	00:14
	Air Blank	0.000	00:14
	Diagnostics Check	OK	00:14

Cylinder Lot: 02422080A1
Exp: 02/05/2024

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 JACOB A MARTINEZ, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: [Signature] 2104 Date: 1/20/23
Signature

Sworn to (or affirmed) before me this 20 day of Jan, 2023

[Signature] JAN. DANIEL DELVADO 1/20/23
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: WEST PALM BEACH PD
Instrument Serial Number: 80-001235 Software: 8100.27
Date of Test: 01/20/2023

Date of Last Agency Inspection: 12/29/2022
Observation Period Began: 23:32
Subject's Name: DIEGO S HOPCHAK

DOB: 07/04/1986

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	00:02
	Air Blank	0.000	00:03
	Control Test	0.081	00:03
	Air Blank	0.000	00:04
	Subject Sample #1	REF*	00:05
	Air Blank	0.000	00:05
	Control Test	0.082	00:06
	Air Blank	0.000	00:06
	Diagnostics Check	OK	00:06

*Subject Test Refused

Cylinder Lot: 02422080A1
Exp: 02/05/2024

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 JACOB A MARTINEZ, 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: J. Martinez 2101 Date: 1/20/23
Signature

Sworn to (or affirmed) before me this 20 day of Jan, 2023

[Signature] Signature of Notary Public-State of Florida JOAN DARRYL DELLAM 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.



West Palm Beach Police Department
Breath Testing Facility Report



Defendant: Hopchak, Diego Case #: 20230001136
Arresting Officer: Martinez #2104 Date: _____

Breath Test Results: 0.206 g/210L 0010 Time 0.211 g/210L 0013 Time
_____ g/210L _____ Time _____ g/210L _____ Time

Note: Times are in Military Time

Breath Operator: J. Martinez #2104
Maintenance Technician Inv J Ingrassia #1857

Testing Officer Observations:

Speech: Slurred
Attitude: happy, sad
Clothing: black shirt, blue jeans, black boots
Medical Conditions: none
Medications: none
Other: n/a

Arrival Time at Facility/ Time Twenty (20) Minute Observation Started: 2335

Comments:

Driver arrived and 20 min observation began
Driver did not take anything or expell anything
Driver was asked for breath, refused
Implied conscent read
Driver stated he understood, refused again
Refusal test given, driver then stated he would provide sample
Sample provided
Driver refused q/a

SUBJECT:

Hopchar, Diego

CASE NUMBER:

23-1136

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 detecting the presence of chemical or controlled substances.

OR

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am

Det. Monahan

of the

WPBPD

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S 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: Harriet, D. Jr. CASE NUMBER: 23-1136

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: J. Morton - 2104



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2023001857	Date: 1/20/2023
	Specialist Name/ID: R.Castro/40259