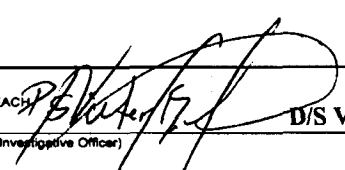


114

		PROBABLE CAUSE AFFIDAVIT		1 Arrest 2 NTA		3 Request for Warrant 4 Request for Capias		Juvenile		N
ADMIN	OBTS Number			Agency ORI Number		Agency Name		Agency Report Number		
	FLO. 5 0 0 0 0 0		PALM BEACH COUNTY SHERIFF'S OFFICE		2052853					
DEF	Charge Type	☐ 1 Felony ☐ 3 Misdemeanor ☐ 5 Ordinance ☐ 2 Traffic Felony ☐ 4 Traffic Misdemeanor ☐ 6 Other		Special Notes						
	Name (Last, First, Middle)	Osuna Villa, Eduardo,					Alias	Race H	Sex M	Date of Birth 11/11/1999
CHARGES	Charge Description	D.U.I.		316.193(1)		Charge Description				
	Charge Description					Charge Description				
VICTIM	Victim's Name (Last, First, Middle)	State of Florida , ,					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				
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 <u>2nd</u> day of <u>April</u> 20 <u>23</u> at <u>04:02</u> ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)										
☐ Marsy's Law CVI FL. Const. Art.1 § 16(b) On Sunday, April 2nd, 2023 at approximately 0402 hrs I responded to the area of Military Trl and Summit Blvd, in unincorporated West Palm Beach, Palm Beach County, Florida, 33406 to back up D/S D. Harvey I.D. 34092 o ma traffic stop. Upon arrival I activated my over head red and blue lights and position my marked patrol vehicle behind D/S Harvey's marked patrol vehicle in a manner to redirect traffic away from the nearest lane to the traffic stop. I observed a white Ford F150 Pick up truck approaching the traffic stop in the same lane as my marked patrol vehicle The F150 drove up to within a few feet of my marked patrol vehicle and came to a stop. I began to approach the F150 on foot to affect a traffic stop as the driver had failed to move over in violation of the Florida Move Over Act. As I approach the vehicle and began to tell the driver to stop, he began to drive away from me. At this time I entered my marked patrol vehicle and proceeded after the F150 which I observed turning left onto Summit Blvd from Military Trail. As I caught up to the F150 I observed it traveling at a very slow speed in the east bound right lane approaching Park Ave. I initiated a traffic stop on the vehicle which came to a stop against the right curb. I proceeded to exit my marked patrol vehicle and make contact with the driver at the driver's side open window. I requested the driver provide his license, registration, and proof of insurance. The driver was able to provide his license which had his photograph affixed to it and Identified him as Eduardo Osuna Villa , and insurance however he was unable to locate his registration. As I spoke with the driver I observed a strong odor of an unknown alcoholic beverage emanating from his head and shoulder area, and his eyes were blood shot red and watery. I also observed the driver attempting to conceal a open corona beer bottle under his right arm. Based on my observations of Osuna Villa there was probable cause to believe he was operating his motor vehicle under the influence of alcohol beverage therefore I contacted Inv. P. Pointu I.D. 16032 of the Palm Beach County Sheriff's Office Traffic Unit and requested he conduct a DUI Investigation.										
ADMINISTRATIVE	STATE OF FLORIDA COUNTY OF PALM BEACH  D/S V. Blackman (Signature of Arresting/Investigative Officer)									
	The foregoing instrument was sworn to or affirmed and subscribed before me this <u>2nd</u> day of <u>April</u> 20 <u>23</u> by <u>D/S V. Blackman</u> (Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced <u>Personally known</u>									
	Inv. P. Pointu 16032 Notary Public, Clerk of Court, Officer (F.S.S. 117.10)									

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 2nd DAY OF April 20 23, AT 04:02 AM PM
SUBJECT: Osuna Villa, Eduardo, CASE NUMBER: 23-052853

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. POINTU P.

PERSONAL CONTACT

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

D/S Blackman (#8386) was backing up another deputy on a traffic stop in the area of South Military Trail and Summit Boulevard, in unincorporated West Palm Beach, Palm Beach County, Florida. His marked patrol car had his overhead blue and red lights emergency lights on and was parked to redirect traffic away from that lane. He observed a Ford F150 pickup in the same lane driving stopping a few feet from his car. D/S Blackman approached the car telling him to stop and the driver drove away from him. He went back in his car and initiated a traffic stop of the pickup that was bearing Florida tag 37AHJJ. The driver was identified by his Florida driver license as Eduardo Osuna Villa. Osuna Villa was also the registered owner of the F150.

OBSERVATION OF DRIVER:

Osuna Villa had glassy and bloodshot eyes. His speech was slurred and an obvious odor of unknown alcoholic beverage was becoming stronger when he talked. His gait was unsteady. Inside the car an open bottle of Corona was visible.

DRIVER'S STATEMENTS:

Osuna Villa admitted drinking 5 cans Corona beers at a party earlier. He said he was dropping a friend and going home. Post Miranda he would say he drank 6 cans of beers from 9PM until 11:45PM.

ODORS:

Obvious odor of unknown alcoholic beverage that become stronger when he talked.

GENERAL OBSERVATIONS

SPEECH: slurred speech

ATTITUDE: cooperative

CLOTHING: red t-shirt, white jeans, red sneakers

MEDICAL/OTHER: none disclosed

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. POINTU P.
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2nd day of April 20 23 by Inv. POINTU P.

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

Madelin Gonzalez (#40577)

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



MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH225716
Expires 2/7/2026

SUBJECT: Osuna Villa, Eduardo,

CASE NUMBER 23-052853

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:

Pupils round and equal. No resting nystagmus. Equal tracking. Onset of HGN at approximately 30 degrees. VGN present. LOC present. Swayed during the task.

WALK & TURN:

Osuna Villa could not maintain the instructional stance. He also started before being told. He used his arms to balance, did not count out loud initially and took an improper number of steps. He did not turn as instructed and did not walk back.

ONE LEG STAND:

Osuna Villa raised his right leg. He swayed while balancing, put his hands behind his back and put his foot down multiple times. He did not count as instructed.

FINGER TO NOSE:

Osuna Villa swayed while balancing. He had to be reminded on tasks 1 to 3 to lower his hand. On task 2 he touched the right side of his nose. On task 3 he touched the bridge of his nose.

ROMBERG ALPHABET:

Osuna Villa attempted to recite the alphabet in Spanish but skipped letters. He swayed during the task, opened his eyes and tilted his head forward.

BREATH TEST RESULTS: Refusal

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. POINTU P.

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2nd day of April, 2023 by Inv. POINTU P.

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

Madelin Gonzalez (#40577)

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



MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH225716
Expires 2/7/2026

WITNESS LIST

CASE NUMBER: 23-052853

ARRESTING OFFICER: Inv. POINTU P.

ADDRESS: Palm Beach County Sheriff's Office - 3228 Gun Club Rd - West Palm Beach, FL 33406

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

CAN TESTIFY TO: DUI Investigation, see PC

NAME: D/S Blackman (#8396)

ADDRESS: Palm Beach County Sheriff's Office - 3228 Gun Club Rd - West Palm Beach, FL 33406

PHONE NUMBERS (HOME) 0 (WORK) (561) 688 3000

CAN TESTIFY TO: driving pattern, wheel witness

NAME: D/S Jimenez (#39521)

ADDRESS: Palm Beach County Sheriff's Office - 3228 Gun Club Rd - West Palm Beach, FL 33406

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

CAN TESTIFY TO: Spanish translation on scene

NAME: D/S Diaz (#37987)

ADDRESS: Palm Beach County Sheriff's Office - 3228 Gun Club Rd - West Palm Beach, FL 33406

PHONE NUMBERS (HOME) 0 (WORK) (561) 688 3000

CAN TESTIFY TO: Spanish translation at the BAT

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: _____

TESTING FACILITY TASK REPORT

AGENCY: **PBSO**

SUBJECT: **Osuna Villa, Eduardo**

CASE NUMBER: **23-052853**

DATE: **Apr 2, 2023**

VIDEO DVD NUMBER: **N/A**

BEGINNING TIME: **05:27**

ENDING TIME: **05:39**

BREATH TESTS RESULTS: 1) **Refused** TIME **05:30** 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: **R. Ragin #16877**

MAINTENANCE TECHNICIAN: **Jason Karlecke #6467**

TESTING OFFICER'S OBSERVATIONS

SPEECH: **Spanish Speaking, Slurred, Mumbled**

ATTITUDE: **Calm, slow**

CLOTHING: **White jeans, red t-shirt, red sneakers**

MEDICAL CONDITIONS: **None**

MEDICATIONS: **None**

OTHER:

Eyes are glassy & bloodshot
odor of unknown alcoholic beverage on breath
Translated by D/S A.Diaz #37987 PBSO

Subject stated in Q&A he had 6 Corona beers

COMMENTS:

Arrived at center A/O started 20 minute observation period at 05:05 hrs.

Subject refused to perform breath test.

A/O read I/C 2x and subject stated he understood I/C.

Subject refused to take test.

A/O read rights.
Subject stated he understood rights.

A/O conducted Q&A.
Subject answered Q&A.

REFUSED

REFUSED

SUBJECT: Ortiz, Eberto

CASE NUMBER: 20-052653

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) _____

SUBJECT: Omaha, E 1010 CASE NUMBER: 12-01875

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
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 23-052853

PBSO ZONE 1-12

AGENCY CASE # _____

CRASH CASE # _____

TIME OF STOP/CRASH 04:02

DATE 04/02/2023

DAY Sunday

SUBJECT'S NAME Osuna Villa, Eduardo,

RACE W

SEX M

HGT 5'10

WGT 182

DOB 11/11/1999

LOCATION Summit Blvd / South Military Trail, West Palm Beach, FL 33415

ARRESTING OFFICER'S NAME & ID Inv. POINTU P. (16032)

AGENCY Palm Beach County Sheriff's Office

DIVISION: CID/DUI

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 05:05

ARREST TIME 04:58

BREATH RESULTS:

REFUSED

TESTING OFFICER'S ID 16877

PBSO VIDEOTAPE # N/A

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Investigator **P. POINTU**, 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 SECOND day of April, 2023, at 04:58
DRIVER EDUARDO OSUNA VILLA
(Type or Print) FIRST MIDDLE OR MAIDEN LAST
DL # 0251200994110, state of FL, was placed under lawful arrest for
the offense of DUI by Investigator **P. POINTU** and
(Name of Arresting Officer)
issued Citation # AGY70ME.

That on or about the SECOND day of April, 2023, at 05:30
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.

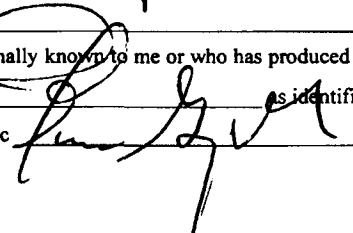


Signature of Law Enforcement Officer or Correctional Officer

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



MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH225716
Expires 2/3/2026

The foregoing instrument was sworn and subscribed before
me this 02 day of April, 2023,
by _____
who is personally known to me or who has produced
_____ as identification.
Notary Public 

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.



**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 <u>pertaining to mobilization deployment or tactical operations.</u>	
	☐	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: 2023008568	Date: 4/3/23
	Specialist Name/ID: T.Howard/7185