

04 34808

23CT13517 SB

ARREST / NOTICE TO APPEAR

1. Arrest (No Warrant) 3. Request for Warrant
6. Arrest (Warrant) 4. Request for Capias
2. N.T.A. 5. Juvenile Referral

1

JUVENILE

AD M I N I S T R A T I O N	OBTS Number		Agency ORI Number 0500200		Agency Name Boca Raton Police Department		Agency Report Number (N.T.A.'s only) 3, 2 2023-009591		Multiple Clearance Indicator		
D E F E N D A N T	Charge Type: Check as many as apply.		1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☒ 5. Ordinance ☐ 6. Other ☐		If Weapon Seized Enter Type UNARMED						
	Location of Arrest (Including Name of Business) 1860 NW 2ND AVE, BOCA RATON, FL 33432				Location of Offense (Business Name, Address) 1860 NW 2ND AVE, BOCA RATON, FL 33432						
	Date of Arrest 07/31/2023		Time of Arrest 18:33		Booking Date 07/31/2023		Booking Time 18:43		Jail Date 07/31/2023		
									Jail Time 20:00		
J U V E N I L E	Name (Last, First, Middle) BALENA, EDWARD MICHAEL						Alias (Name, DOB, Soc. Sec. #, Etc.) Alias:				
	Race W - White 1 - American Indian B - Black 0 - Oriental/Asian		Sex M		Date of Birth 08/23/1974		Height 6'00		Weight 250		
	Eye Color BROWN		Hair Color BLACK		Complexion LIGHT		Build Large				
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) TATT L THIGH / WHALE				Marital Status S		Religion CATHOLIC		Indication of Alcohol Influence Yes ☒ No ☐ Unk. ☐		
	Local Address (Street, Apt. Number) 5601 COACH HOUSE CIR D, BOCA RATON, FL 33486				(City) FL		(State) FL		(Zip) 33486		
	Permanent Address (Street, Apt. Number) 5601 COACH HOUSE CIR D, BOCA RATON, FL 33486				(City) FL		(State) FL		(Zip) 33486		
	Business Address (Name, Street) 5601 COACH HOUSE CIR D, BOCA RATON, FL 33486				(City) FL		(State) FL		(Zip) 33486		
	D/L Number, State B450233743030 / FL				Soc. Sec. Number [REDACTED]		INS Number [REDACTED]		Place of Birth (City, State) WEST ISLIP, NY,		
					Citizenship US						
	Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile ☐ 2. At Large ☐ 4. Misdemeanor
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile ☐ 2. At Large ☐ 4. Misdemeanor	
C O D E	☐ Parent ☐ Other: _____ Name (Last, First, Middle) ☐ Legal Custodian				Residence Phone						
	Address (Street, Apt. Number) (City) (State) (Zip)				Business Phone						
	Notified by: (Name)				Date		Time		JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 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 355-2526) informed of any change of address.				School Attended				Grade		
	☐ Yes, by: _____ ☐ No: _____ ☐ Yes ☒ No				Property Crime? ☐ Yes ☒ No				Description of Property		
	Drug Activity N. N/A P. Possess				S. Sell B. Buy T. Traffic		R. Smuggle D. Deliver E. Use		K. Dispenses/ 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 REFUSE TO SUBMIT DUI TEST AFTER LIC SUSP				Statute Violation Number 316.193(1B) 0.✓				Violation of ORD #		
	Drug Activity N				Drug Type N		Amount / Unit 1		Offense # 2023-009591		
Counts 1				Domestic Violence ☐ Y ☒ N		Warrant / Capias Number		Bond OR			
C H A R G E	Charge Description DUI - PROPERTY DAMAGE				Statute Violation Number 316.193(3C1)				Violation of ORD #		
	Drug Activity N				Drug Type N		Amount / Unit 1		Offense # 2023-009591		
	Counts 1				Domestic Violence ☐ Y ☒ N		Warrant / Capias Number		Bond OR		
	Charge Description WILLFULLY REFUSING TO SIGN AND ACCEPT SUMMONS				Statute Violation Number 318.14(3)				Violation of ORD #		
	Drug Activity N				Drug Type N		Amount / Unit 1		Offense # 2023-009591		
	Counts 1				Domestic Violence ☐ Y ☒ N		Warrant / Capias Number		Bond OR		
	Health / Apparent Physical Condition of Defendant				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 868				Released By 868		
	☐ Posted Bond ☐ South County Mental Health				Released To PBCJ						
	Transported By 868				Date Transported 07/31/2023		Time Transported 20:00		Other		
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) South County 200 W Atlantic Ave Delray Beach, FL 33444				Court Date and Time 09/04/2023 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.								No Photo Available		
	Signature of Defendant (or Juvenile and Parent/Custodian) [Signature]				Date Signed [Signature]						
	Signature of Arresting Officer [Signature]				Name Verification (Printed by Arrestee) FILED PBC - GUN CLUB				23 AUG 1 AM 7:39 (PRINT)		
A D M I N	HOLD for Agency ☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other				Name of Arresting Officer (Print) WILLIAMS, D.				I.D. # 868		
	Initials Deputy [Signature]				Transporting Officer WILLIAMS				I.D. # 868		
	Pouch #				Agency BOCA				Witness here if subject signed with an "X"		

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OBTS Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias		1	JUVENILE
A D M I N	Agency ORI Number FL FL0500200		Agency Name BOCA RATON POLICE DEPARTMENT		Agency Report Number 3 2 2023-009591		
	Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Special Notes:				
D E F	Name (Last, First, Middle) BALENA, EDWARD MICHAEL				Race W	Sex M	Date of Birth 08/23/1974
	Alias						
C H A R G E S	Charge Description 316.193(3C1) DUI CRASH		Charge Description 316.1939(1F) REFUSE TO SUBMIT DUI TEST AFTER LIC S				
	Charge Description 318.14(3) WILLFULLY REFUSING TO SIGN AND ACCEPT SU		Charge Description				
V I C T I M	Victim's Name (Last, First, Middle) STATE OF FLORIDA,				Race U	Sex U	Date of Birth
	Local Address (Street, Apt. Number) (City) (State) (Zip) 100 NW 2ND AVE, BOCA RATON, FL 33432				Phone (561) 338-1234		
B U S I N E S S	Business Address (Name, Street) (City) (State) (Zip)				Address Source		
					Phone (561) -		
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 ... ☐ 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 31 day of July, 2023 at 18:33 (Specifically include facts constituting cause for arrest.) On 7/31/2023, at approximately 1801 hours, I was dispatched to the parking lot of 1860 NW 2ND Ave in reference to a crash. Upon arrival, I spoke with Officer Anjos who explained he was investigating a crash where one of the parties fled the scene and was located at this location. Officer Anjos explained that upon his arrival the driver, Edward Balena, was located outside his vehicle, however, one of the employees of the business observed him get out of the driver's seat right after the crash and prior to Officer Anjos arrival. Edward told Officer Anjos that prior to the crash he was leaving a bar called The Irishmen which is directly to the west of the incident location. I asked Edward what had occurred with the crash to which he explained that he was driving northbound on 2nd Ave when a vehicle "came out of nowhere" and hit him. Afterward, he pulled into the parking lot and shortly thereafter he was contacted by Officer Anjos. Edward became defensive as I clarified that he was operating the motor vehicle at the time of the collision at which point he indicated that he had no further crash information. While speaking with Edward I observed his eyes to be bloodshot/watery and the odor of alcohol emanating from his breath. I explained to Edward that I had concluded my crash investigation and that he was no longer protected by Florida Crash Privilege. I explained to Edward that I would now be investigating the offense of DUI. I requested Edward to participate in Field Sobriety Exercises (FSEs) to which he initially declined. After a lengthy conversation on the purpose of FSEs as well as explaining his Taylor warnings, Edward decided he would be willing to participate. The FSEs were conducted as follows. Horizontal Gaze Nystagmus (HGN) The defendant identified the stimulus as red. The defendant had equal pupil size and equal tracking in both eyes. The defendant's eyes continued to jump as he attempted to							
A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME CODLING, TODD NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 07/31/2023 DATE				SIGNATURE OF ARRESTING INVESTIGATING OFFICER WILLIAMS, DAVID (868) NAME OF OFFICER (PLEASE PRINT) 07/31/2023 DATE		
					PAGE 1 OF 2		

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.

OBT Number		PROBABLE CAUSE AFFIDAVIT SUPPLEMENT		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1	JUVENILE
A D M I N I S T R A T I V E	Agency ORI Number FL FLO500200	Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2023-009591						
Charge Type: Check as many as apply.		☐ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance ☐ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other		Special Notes:					
Name (Last, First, Middle) BALENA, EDWARD MICHAEL		Alias		Race W	Sex M	Date of Birth 08/23/1974			
follow the stimulus. In conducting the exercise, I was able to observe a Lack of Smooth Pursuit, Distinct and Sustained Nystagmus at Maximum Deviation, the onset of Nystagmus prior to 45 degrees, and Vertical Nystagmus. While giving the instructions the defendant continued to sway. Walk and Turn The surface was flat and hard. The defendant attempted to do the exercise without shoes. The line used was a painted white line. I made sure the defendant both knew the line he would be using and the color of that line. I began the exercise by instructing and demonstrating to the defendant how to complete the exercise. While giving instructions the defendant lost balance several times and failed to stay in the starting position. In conducting the exercise, the defendant walked an improper number of steps, made an improper turn, and failed to walk Heal-to-Toe. As the defendant continued to perform poorly, he became frustrated and walked away indicating he no longer wished to participate in FSEs Due to the totality of the circumstances and my training/experience, I felt the defendant was unable to perform simple tasks during the exercises due to being impaired. I felt the defendant is too impaired to operate a motor vehicle safely. The defendant was placed under arrest at 1833 hours, for driving under the influence. Edward was placed in handcuffs that were checked for tightness and double locked. The vehicle was towed by Westway towing. The tow log was completed and submitted by Officer Cox. Edward was transported to the BRPD DUI room. Officer Ricciardi conducted the 20-minute observation and operated the Intoxilyzer. Edward indicated he did not wish to provide a breath sample and as such was read Implied Consent Warnings at 1908 hours. Edward advised he understood the warnings and still did not wish to provide a sample. Reference Intoxilyzer 8000 S#80-006622 results were (Refused). Edward additionally indicated he would not sign any citations. I activated my BWC and explained the purpose of his signature along with the consequences of not signing. Edward advised he understood and still did not sign the citations. Edward was transported to Boca Regional Hospital for medical clearance and then to Palm Beach County Jail.									
SWORN AND SUBSCRIBED BEFORE ME 2761 CODLING, TODD NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 07/31/2023 DATE SIGNATURE OF ARRESTING / INVESTIGATING OFFICER WILLIAMS, DAVID (868) NAME OF OFFICER (PLEASE PRINT) 07/31/2023 DATE									

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST**

I, David Williams, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Boca Raton Police, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 31 day of July, 2023, at 1833 ☒ P.M. ☐ A.M.

DRIVER Edward Brown Michael Balera,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# B450233743030, state of Florida, was placed under lawful arrest for

the offense of DUI by David Williams and
(Name of Arresting Officer)

issued Citation # AG435YE.

That on or about the 31 day of July, 2023, at 1908 ☒ P.M. ☐ A.M.

in Palm Beach County,

I requested that the driver submit to a ☒ breath and/or ☐ urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) 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 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 for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

[Signature] 868
Signature of Law Enforcement Officer or
Correctional Officer

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

The foregoing instrument was sworn and subscribed before me:

[Signature]
Signature of Attesting Officer

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before

me this _____ day of _____, 20____,

by _____,

who is personally known to me or who has produced

_____ as identification

Notary Public _____

Title officer

Date 7/31/23

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.

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOCA RATON PD
Instrument Serial Number: 80-006622 Software: 8100.27
Date of Test: 07/31/2023

Date of Last Agency Inspection: 07/11/2023

Observation Period Began: 18:46

Subject's Name: EDWARD M BALENA

DOB: 08/23/1974 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	19:09
	Air Blank	0.000	19:10
	Control Test	0.079	19:10
	Air Blank	0.000	19:11
	Subject Sample #1	REF*	19:11
	Air Blank	0.000	19:11
	Control Test	0.080	19:12
	Air Blank	0.000	19:12
	Diagnostics Check	OK	19:12

*Subject Test Refused

Cylinder Lot: 49122080A2
Exp: 12/05/2024

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, _____, 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

Date: 7/31/23

Sworn to (or affirmed) before me this 31 day of JULY, 2023

Signature of Notary Public-State of Florida

Williams Davis
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.

CASE# - 2023009591
10-15 - 1833
10-32-~~1846~~

DUI INFLUENCE REPORT



BOCA RATON POLICE SERVICES DEPARTMENT
100 NW 2nd Avenue
Boca Raton, FL 33432



BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT - PART I

On the 31 day of JULY, at 1846 AM/PM:
Subject: Edward Balena Case Number: 2023009591

PERSONAL CONTACT

Driving Pattern: _____

Observation of Driver: _____

Driver's Statement: see pc

Odors: _____

GENERAL OBSERVATIONS

Speech: _____

Attitude: _____

Clothing: _____

Medical Problems: _____

Medications: _____

Other: _____

Horizontal Gaze Nystagmus:

- | | |
|--|---|
| ☐ Left eye does not follow smoothly | ☐ Right eye does not follow smoothly |
| ☐ Left eye jerks at 45 degrees angle or less | ☐ Right eye jerks at 45 degrees angle or less |
| ☐ Distinct jerking left eye maximum deviation | ☐ Distinct jerking right eye maximum deviation |

Can not do, Why? _____

Walk and turn: _____

Can not do, Why? _____

One leg stand: _____

Can not do, Why? _____

Finger to nose: _____

Can not do, Why? _____

Alphabet (speech pattern): _____

Can not do, Why? _____

Breath/Blood test results: _____

State of Florida, County of Palm Beach,
Sworn and subscribed before me this 7/31/23 (date) by Ricciardi

Amelia Ricci 7/31/23
Notary/Clerk of Court/ Officer (FSS 117.10) Date

[Signature] Williams
Signature of Arresting Officer Name of Officer (print)

ARRESTING OFFICER: Williams

Name: Ricciardi Phone # / Work # 5613381234

Address: 100 NW 2nd Ave, Boca Raton FL 33432

Can testify to: Breath Test

Name: Anjos Phone # / Work # 5613381234

Address: 100 NW 2nd Ave, Boca Raton FL 33432

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____



BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT - PART II

To be filled out at testing facility

Agency Case # 2023009591

I. INTRODUCTION (Instrument Operator faces video camera)

A. The day is Monday, JULY, 31, 2023.
(day) (month) (date) (year)

B. The time is now approximately 1906 AM/PM.

C. The following is in reference to case number 2023-009591.

D. Present at this time is Ofc. Williams of the Boca Raton Police Department.
(Officer's Name)

E. Officer Williams, have you arrested Edward Baena in violation of
Florida State Statute 316.193? (Defendant's name)

F. Did this violation occur within the City of Boca Raton, Palm Beach County, Florida? yes

G. Mr. Baena, I am required to inform you these
proceedings are being video recorded.

Operator Note: Video record breath request, breath sample, and interview.

II. AT THIS TIME THE ARRESTING OFFICER WILL REQUEST A BREATH SAMPLE.

Note: Read only the paragraph applicable to the type of test you are requesting.

- A. I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content.
- B. 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.
- C. I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

IMPLIED CONSENT WARNINGS

Note: Read only if the subject does not comply with your request.

I am _____ of the _____.

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 Signature: _____

Note: Also read for CDL holders:

IN ADDITION, your refusal to submit will result in the loss of your commercial privileges for one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from operating a commercial motor vehicle.

Note: After reading the implied consent warning, the arresting officer must request a breath sample again.

(IF REFUSAL THEN)

At this time Mr Balena has refused to submit to a breath test.

The date is JULY, 31, 2023, and the time is 1911 AM PM.
(month) (day) (year)

A refusal form will be completed by the arresting officer.



BOCA RATON POLICE SERVICES DEPARTMENT

JUVENILE CONSTITUTIONAL WARNINGS

Rights of suspects prior to custodial questioning.
Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional rights:

- (1) You have the right to remain silent and not answer any questions. *Tell me in your own words what you think this means.*
(You do not have to talk to me or answer any questions about this offense. You can be quiet if you want.)
- (2) Any statement you make must be freely and voluntarily given. *Tell me in your own words what you think this means.*
(If you do talk to me it has to be because you want to and not because anyone is forcing you to speak.)
- (3) You have a right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning. *Tell me in your own words what you think this means.*
(You can talk to a lawyer before we ask you any questions and you can have him/her with you now, during our questioning.)
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a court appointed lawyer before you make any statement and during any questioning. *Tell me in your own words what you think this means*
(If you do not have money for a lawyer and you want one, a lawyer will be given to you for free.)
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent. *Tell me in your own words what you think this means.*
(If you decide to talk to me then change your mind, you can stop answering my questions at any time.)
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will. *Tell me in your own words what you think this means*
(I am not allowed to threaten you or make you any promises to get you to talk to me. If you decide to talk, it must be because you want to.)
- (7) Any statement can be and will be used against you in a court of law. *Tell me in your own words what you think this means*
(Anything you say to me can and will be told to the judge or a jury in court. A judge is a person who decides if you have done something wrong. Sometimes a group of people called a jury decide this, but the Judge is the person who decides what punishment you get.)
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: _____ Date: _____ Time: _____



BOCA RATON POLICE SERVICES DEPARTMENT
TESTING FACILITY TASK REPORT

SUBJECT: Edward Baiena

CASE #: 2023009591 DATE: 7/31/23

BREATH TEST RESULTS

1) TIME Refusal AM/PM 2) TIME _____ AM/PM

3) TIME _____ AM/PM 4) TIME _____ AM/PM

BREATH OPERATOR: ricciardi

MAINTENANCE TECHNICIAN: crawford

TESTING OFFICER'S OBSERVATIONS

SPEECH: slightly slowed

ATTITUDE: calm

CLOTHING: Gray T-shirt, Black shorts, Tan flipflops

MEDICAL CONDITION: Hypertension,

OTHER: flushed face, sweating

COMMENTS: _____

Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional rights:

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have a right to the presence and representation 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 and representation of a court appointed lawyer before you make any statement 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 be and will be used against you in a court of law.
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: _____ Date: _____ Time: _____

QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? _____

Where were you going? _____

What street or highway were you on? _____

Direction of travel? _____

Where did you start driving from? _____

What city (county) were you stopped in? _____

What time did you start? _____ AM/PM What time is it now? _____

What is today's date? _____ What day of the week is it? _____

When did you last eat? _____ What did you eat? _____

What have you been doing the past three hours prior to this stop/accident? _____

How much do you weigh? _____ Have you been drinking? _____ What were you drinking? _____

How much? _____ Where? _____ With whom were you drinking? _____

When did you have your first drink? _____ AM/PM When did you stop drinking? _____ AM/PM

How did you consume your last two drinks? _____

Are you under the influence of alcohol now? ☐ Yes ☐ No

Can you feel the effects of alcohol? ☐ Yes ☐ No

Have you consumed alcohol since the accident? ☐ Yes ☐ No

Can you feel the effects of alcohol? ☐ Yes ☐ No

Have you consumed alcohol since the accident? ☐ Yes ☐ No How much? _____

What? _____ Where? _____

What line of work are you in? _____

When did you last work? _____

Do you have any physical defects or injuries? ☐ Yes ☐ No If yes, explain: _____

Are you sick or injured? ☐ Yes ☐ No If yes, explain: _____

Do you limp? ☐ Yes ☐ No

Did you get a bump on the head? ☐ Yes ☐ No

Were you in an accident today? _____

Have you taken any drugs or smoked marijuana today? _____

What? _____ When? _____

Have you seen a doctor or dentist today? ☐ Yes ☐ No Who? _____

Are you taking any prescription medications? ☐ Yes ☐ No What? _____ When? _____

Do you have: Epilepsy? ☐ Yes ☐ No

Inner ear trouble? ☐ Yes ☐ No

Glass eye? ☐ Yes ☐ No

Ear infection? ☐ Yes ☐ No

False teeth? ☐ Yes ☐ No

Diabetes? ☐ Yes ☐ No

Any problems not correctable by glasses or contact lenses? _____

Do you take insulin? ☐ Yes ☐ No If yes, when was your last injection? _____

Have you ever had a driver's license in any other state? _____

I am now ending this video recording. The time is now approximately _____ AM/PM

The date is JULY, 31, 2023.
(month) (day) (year)



**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: 2023019916	Date: 08/01/2023
	Specialist Name/ID: T.Howard/7185