

0539938
Marsy's Law invoked - CVI present

ARREST / NOTICE TO APPEAR

O. On-View
S. Summons
3. Request for Warrant
T. Taken into Custody

JUVENILE

AD M I N I S T R A T I O N	OBTS Number	Agency ORI Number 0500800		Agency Name West Palm Beach Police Department		Agency Report Number (N.T.A.'s only) 9, 4 2023-0007022		O. On-View S. Summons 3. Request for Warrant T. Taken into Custody		JUVENILE		
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		Multiple Clearance Indicator	
	Location of Arrest (Including Name of Business) 200 BANYAN BLVD, WPB, FL					Location of Offense (Business Name, Address) 200 BANYAN BLVD, WEST PALM BEACH, FL 33401						
	Date of Arrest 04/23/2023		Time of Arrest 20:02		Booking Date 04/23/2023		Booking Time 20:12		Jail Date // : :		Jail Time	Location of Vehicle
	Name (Last, First, Middle) CALDERON, ERICA YVETTE											
C O D E F	Alias:											
	Race W - White B - Black A - Asian	Sex M F	Date of Birth 02/06/1993		Height 5'06	Weight 200	Eye Color BROWN	Hair Color BROWN	Complexion LIGHT	Build Large	Indication of: Alcohol Influence Drug Influence Yes ☒ No ☐ Unk. ☐	
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)						Marital Status S	Religion NONE	Residence Type: 1. City 2. County 3. Florida 4. Out of State 3			
	Local Address (Street, Apt. Number) 800 BACOM POINT RD, PAHOKEE, FL 33476						(City) (PAHOKEE)		(State) FL		(Zip) 33476	
	Permanent Address (Street, Apt. Number) 800 BACOM POINT RD, PAHOKEE, FL 33476						(City) (PAHOKEE)		(State) FL		(Zip) 33476	
	Business Address (Name, Street) 800 BACOM POINT RD, PAHOKEE, FL 33476						(City) (PAHOKEE)		(State) FL		(Zip) 33476	
	D/L Number, State C436219935460 / FL						Soc. Sec. Number [REDACTED]		INS Number [REDACTED]		Place of Birth (City, State) PALM BEACH	
	Citizenship US											
	Co-Defendant Name (Last, First, Middle)						Race	Sex	Date of Birth		1. Arrested 2. At Large 3. Felony 4. Misdemeanor 5. Juvenile	
	J U V E N I L E	Co-Defendant Name (Last, First, Middle)						Race	Sex	Date of Birth		1. Arrested 2. At Large 3. Felony 4. Misdemeanor 5. Juvenile
Parent ☐ Other ☐ Name (Last, First, Middle)												
Legal Custodian ☐ Name (Last, First, Middle)												
Address (Street, Apt. Number) [REDACTED]						(City) [REDACTED]		(State) [REDACTED]		(Zip) [REDACTED]		
Notified by: (Name) [REDACTED]						Date [REDACTED]		Time [REDACTED]		JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT IAC 3. Incarcerated		
Released To: (Name) [REDACTED]						Relationship [REDACTED]		Date [REDACTED]		Time [REDACTED]		
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 [REDACTED]		Grade [REDACTED]				
Property Crime? ☐ Yes ☒ No						Description of Property [REDACTED]		Value of Property [REDACTED]				
Drug Activity N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Disperse/ Distribute M. Manufacture/ Produce/ Cultivate Z. Other												
C H A R G E		Charge Description DUI INFLUENCE OF ALCOHOL OR DRUGS						Statute Violation Number 316.193(1A)		Violation of ORD #		
	Drug Activity N	Drug Type N	Amount / Unit /	Offense # 23-7022	Counts 1	Domestic Violence ☐ Y ☒ N	Warrant / Capias Number		Bond OR			
	Charge Description						Statute Violation Number		Violation of ORD #			
	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number		Bond			
C H A R G E	Charge Description						Statute Violation Number		Violation of ORD #			
	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number		Bond			
	Charge Description						Statute Violation Number		Violation of ORD #			
	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number		Bond			
I N T A K E	Health / Apparent Physical Condition of Defendant						Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries					
	Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail						PROPERTY - Received By					
	Transported By						Date Transported		Time Transported		Other	
	INSTRUCTION NO. 1 - Mandatory appearance in court INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.						Criminal Justice CRIMINAL JUSTICE COMPLEX Court Date and Time 06/01/2023 00:00:00					
N O T I C E T O A P P E A R	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. (561) 914-4893											
A D M I N	HOLD for Other Agency						Name Verification (Printed by Arrarree)					
	Signature of Arresting Officer [REDACTED]						Name of Arresting Officer (Print) GITTENS, THOMAS					
	I.D. # 2263						I.D. # 2263					
	Transporting Officer GITTENS						Agency WPBPD					
Witness here if subject signed with an "X".												

FILED PBC - GUN CLUB
23 APR 24 AM 8:15No
Photo
Available

SCANNED

APR 24 2023

PAGE
1 OF 1

DUI PROBABLE CAUSE AFFIDAVIT

On the 23rd Day of April at 1755 A.M. P.M.

Subject: Erica Calderon Case Number: 20230007022

Agency: West Palm Beach Police Department Arresting Officer: Gittens #2263

Personal Contact

Driving Pattern

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

On April 23, 2023, at approximately 1647 I responded to an accident (WPBPD Case # 2023007024) located at 200 Banyan Blvd. at the parking garage. Upon my arrival I spoke with Officer Smith who advised me she had seen a portion of the incident. Officer Smith said she saw Erica Calderon in the drivers seat of a black explorer (FL/9735/PB) in physical control of the vehicle. The vehicle had heavy damage and was leaking oil. Officer Smith told me she witnessed Calderon switch seats with her passenger, Graciela Sanchez. Officer Smith observed Sanchez get into the drivers seat in physical control of the vehicle and attempt to drive away. Officer Smith approached and stopped the vehicle from leaving. After stopping the vehicle Officer Smith and CSA Howard began conducting the accident investigation.

Observation of Driver

When I made contact with Calderon she was already standing outside the vehicle. Calderon's speech was slurred. Calderon's eyes were bloodshot and glassy. Calderon was unsteady as she stood and walked. While speaking with Calderon I detected a strong odor on an unknown alcoholic beverage emanating from her breath that became stronger as she spoke to me.

Drivers Statements:

I read Calderon her Miranda Warnings and asked her what happened. Calderon stated she was in a car accident while trying to leave the parking garage. Calderon admitted to driving and also admitting to switching places with Sanchez. Calderon stated both of them attempted to drive the vehicle out of the parking garage. I asked Calderon if she had any medical conditions, I should be aware of, and she stated she didn't. Calderon stated she had not smoked any marijuana. Calderon denied taking any controlled substances/prescriptions medications. Calderon admitted to taking two shots of tequila about an hour prior to driving. Calderon stated she had back injuries but advised it did not affect her walking.

Odors:

While speaking with Calderon I detected a strong odor on an unknown alcoholic beverage emanating from her breath that became stronger as she spoke to me.

General Observations

Speech: Slurred

Attitude: Cooperative

Clothing: black and green dress

Medical Problems/Medications: None

Other:

DUI PROBABLE CAUSE AFFIDAVIT

Subject: Erica Calderon Case Number: 20230007022

Roadside Tasks

Horizontal Gaze Nystagmus	
☐ Left Eye Does Not Follow Smoothly	☐ Right Eye Does Not Follow Smoothly
☐ Left Eye Jerks at 45 Degree Angle or Less	☐ Right Eye Jerks at 45 Degree Angle or Less
☐ Distinct Jerking Left Eye at Maximum Deviation	☐ Distinct Jerking Right Eye at Maximum Deviation
Refused	

Walk and Turn Task
Refused

One Leg Stand
Refused

Finger To Nose
Refused

Romberg Balance
Refused

Breath Results from Instrument

1st Result **Refused** 2nd Result 3rd Result
If Applicable

State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this

(DATE)

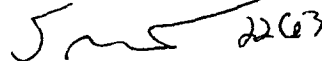
☐ Personally Known

☐ Produced Identification

☐ Notary Public



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

 2263

Signature of Arresting Officer



West Palm Beach Police Department
Breath Testing Facility Report



Defendant: Erica Calderon **Case #:** 20230007022
Arresting Officer: Officer Edward Howard #2201 **Date:** 04/23/2023

Breath Test Results: Refused g/210L 1905 Time g/210L Time
g/210L Time g/210L Time

Note: Times are in Military Time

Breath Operator: Officer Edward Howard #2201
Maintenance Technician Inv J Ingrassia #1857

Testing Officer Observations:

Speech: Heavily slurred.
Attitude: Cooperative
Clothing: Green dress
Medical Conditions: None
Medications: None
Other:

Arrival Time at Facility/ Time Twenty (20) Minute Observation Started: 1807

Comments:

Above driver had slurred speech, reddened and glassy eyes. She was very cooperative. A strong odor of an unknown alcoholic beverage could be smelled emanating from her breath.

**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: 04/23/2023

Date of Last Agency Inspection: 04/07/2023
Observation Period Began: 18:07
Subject's Name: ERICA CALDERON

DOB: 02/06/1993

Sex: F

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		19:04
	Air Blank	0.000	19:04
	Control Test	0.080	19:05
	Air Blank	0.000	19:05
	Subject Sample #1 REF*		19:05
	Air Blank	0.000	19:06
	Control Test	0.079	19:06
	Air Blank	0.000	19:07
	Diagnostics Check OK		19:07

*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 EDWARD E HOWARD, 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: EEH #2201 Date: 4/23/2023
Signature

Sworn to (or affirmed) before me this 23 day of April, 2023

[Signature] Signature of Notary Public-State of Florida
G. Hens, T.B. #2263 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.

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

I, G. Hens #2263, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of WPBPD, and I do swear
(Name of Law Enforcement Agency)

or affirm that on or about the 23 day of April, 2023, at 1755 ☒ P.M. ☐ A.M.

DRIVER Erica Y. Calderon
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL # C436219935460, state of FL, was placed under lawful arrest for

the offense of DUI by G. Hens #2263 and
(Name of Arresting Officer)

issued citation # AHQ55YE

That on or about the 23 day of April, 2023, at 1905 ☒ P.M. ☐ A.M.
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.

G. Hens #2263
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:

[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 _____
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: _____

Calderon

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 _____ 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'S SIGNATURE: (X) _____

Read in 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 in Camera

SUBJECT: _____ CASE NUMBER: C-11-001

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**
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: 2023010637

Date: 4/24/2023

Specialist Name/ID: Chantel Daniels/30347