24CT8285AMB

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

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias | 1 | Juvenile: N

ADMINISTRATIVE

OBTS Number			
Agency ORI Number: FLO 5 0 2 6 0 0	Agency Name: PALM BEACH GARDENS POLICE DEPARTMENT	Agency Report Number: 78 - 24002273	

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized / Type: 2 (1. Yes 2. No) | Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
170 SANTA BARBARA WAY, PALM BEACH GARDENS, FL, 33410	170 SANTA BARBARA WAY, PALM BEACH GARDENS, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle RESIDENCE
05/06/2024	00:37					170 SANTA BARBARA WAY, PBG, FL

DEFENDANT

Name (Last, First, Middle): BARRETO, FEDERICO, M — Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	12/05/1970	5'11	185	GRN	BLN	LGT	LAR

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description):

Marital Status: SINGLE | Religion: NOT STATED | Indication of: Alcohol Influence Y ☑ N ☐ Unk. ☐; Drug Influence Y ☐ N ☐ Unk. ☑

Local Address (Street, Apt. Number) (City) (State) (Zip): 170 SANTA BARBARA WAY, PALM BEACH GARDENS, FL 33410 | Phone: (561) 379-9360 | Residence Type: 1. City 2. County 3. Florida 4. Out of State | 1

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 170 SANTA BARBARA WAY, PALM BEACH GARDENS, FL 33410 | Phone: | Address Source: VERBAL

Business Address (Name, Street) (City) (State) (Zip): | Phone: | Occupation:

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
B630-253-70-445-0 FL	[redacted]		MONTEVIDEO, URUGUAY	US

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Other: Name (Last) (First) (Middle): (1) 1.000 | Residence Phone:

Address (Street, Apt. Number) (City) (State) (Zip): (2) 1.000 | 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 provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. ☐ Yes, by: (Name) ☐ No: (Reason) | School Attended | Grade

Property Crime? ☐ Yes ☐ No | Description of Property | Value of Property

CODE

Drug Activity: N. N/A P. 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/Deriv.; P. Paraphernalia/ Equipment S. Synthetics; U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DRIVING UNDER THE INFLUENCE OVER .08	1	☐Y ☒N	316.193(1)(C)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant I Capias Number	Bond
N	N	.185			

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI OVER .15	1	☐Y ☒N	316.193(4)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N	.185			

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address): NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700

Court Date and Time: Month JUNE Day 5 Year 2024 Time 1000 AM ☒ PM

FILED FOR RECORD '24 MAY 6 AM 7:10

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: 05/06/2024

ADMIN

HOLD for other Agency Name:

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Intake Deputy: C. Montealegre | I.D.# | Pouch #

Signature of Arresting Officer X

Name of Arresting Officer (Print): A. FLINK | I.D. # 514

Transporting Officer: OFC. FLINK | ID # 514 | Agency PBGPD

Name Verification (Printed by Arrestee) (PRINT)

SCANNED MAY 06 2024

Witness here if subject signed with an -X-

PAGE 1 OF 1

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6434639 #3156-S

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: 1

JUVENILE:

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 24-002273

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3 Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5 Ordinance ☐ 6 Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
BARRETO, FEDERICO M		W	M	12/05/1970

CHARGES

Charge Description	Charge Description
316.193(1)(C) DUI - BREATH .08 OR ABOVE	316.193(4) DUI - BAC ABOVE .15
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
State Of Florida			

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source

Business Address (Name, Street)	(City)	(State)	(Zip)	Phone	Occupation

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and resonable 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 committ the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 6 day of May, 2024 at 00:21 (Specifically include facts constituting cause for arrest.)

On 05/06/2024 at approximately 0021 hours, this Officer arrived at 170 Santa Barbara Way, PBG, FL, to assist Ofc Speed 569 and Ofc Renteria-Gomez 559 with an investigation. Body worn camera and in car video were used.

Officers were originally dispatched to the location in regard to a Battery investigation, see report #24-002272. Ofc Speed made contact with the subject of that investigation, Federico Barreto (OF) via telephone and requested he return to the residence, to which Barreto complied. Ofc Speed and Ofc Renteria-Gomez were outside the residence when Barreto arrived in his Tesla Model Y (RGYX45/FL), which he was the sole occupant. Officers observed as the vehicle entered the driveway after driving in the grass and almost striking a green sprinkler cover. Officers observed Barreto exit the driver door and stumbled toward his residence. Ofc Speed remained with Barreto the entire time he was inside the residence, at no time losing sight of him. Ofc Speed further stated, the only beverage Barreto consumed was water which came directly from a spout attached the refrigerator.

This Officer remained outside while Ofc Speed completed his investigation, then Ofc Speed escorted Barreto to the front of the residence. This Officer informed Barreto the original Battery investigation was now complete and advised Barreto of his Miranda Warnings, which this Officer read directly from the department issued card, to which Barreto acknowledged. While this Officer was reading Miranda and upon first contact, this Officer observed Barreto to have great difficulty with balance and simply standing upright. Barreto staggered about and swayed back and forth while standing still. Barreto also had extremely thick slurred speech, red watery eyes, and a flushed red face. This Officer was also able to detect the strong obvious odor of an unknown alcoholic beverage emanating from Barreto`s breath at conversational distance.

This Officer then expressed concern to Barreto that he was driving under the influence.

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER

05/06/2024
DATE

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

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

FLINK, ANDREW S (514)
NAME OF OFFICER (PLEASE PRINT)

05/06/2024
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

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ADMIN

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias	1	JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 24-002273

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance ☐ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other

Special Notes

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
BARRETO, FEDERICO M		W	M	12/05/1970

PROBABLE CAUSE STATEMENT

This Officer asked Barreto where he was coming from to which he replied "dinner", "at Chili`s". This Officer asked Barreto how much he had to drink, to which he replied "couple beers". Barreto denied consuming medication, narcotics and/or Cannabis on this night. This Officer again reiterated the concern of Barreto being under the influence and asked him to participate in Standardized Field Sobreity Exercises, to which he complied. Barreto said he did not have any medical conditions which would affect the exercises performed. For the exercises, Barreto and this Officer relocated to the street, which was level, dry and clear of debris.

The first exercise conducted was the Horizontal Gaze Nystagmus. The stimulus used was a Streamlight Stylus with an illuminated red tip. Barreto did not follow instructions, nor remain in the position instructed, after being reminded multiple times. This Officer called the exercise early, due to Barreto not following instructions.

The second exercise conducted was the Walk and Turn. The line used was a strip of yellow tape placed upon the pavement by this Officer. During the instructions, Barreto lost his balance and was unable to hold the starting position. During the first set of steps, Barreto missed heel-to-toe on all steps and kept his arms raised well over six inches from his sides. On the tenth step, Barreto stepped off the line and lost his balance, stepping to his left. Barreto took 10 steps rather than nine. Barreto then conducted an improper turnaround by way of coming off the line completely and walking around. During the return set of steps, Barreto again missed heel-to-toe on all steps and again kept his arms raised more than six inches from his sides. Barreto missed the line on three steps.

The third exercise conducted was the One-Leg Stand. Barreto had difficulty even raising his foot for the exercise, taking an extended time after being told to begin. Barreto eventual raised his right foot and immediately placed it down. Barreto also had his arms raised well over six inches from his sides during the attempt. This Officer called the exercise early as a safety precaution, thus Barreto would not get injured.

Based on this Officer`s observations, Barreto was placed under arrest at 0037 hours. At PBSO BAT this Officer conducted the 20 minute observation period, noting no issues. This Officer requested Barreto provide a breath sample for the purpose of determining its alcohol content, to which he consented. At 0133 hours Barreto provided an incomplete breath sample of .160. This Officer then read Florida Implied Consent to Barreto, to which he acknowledged and agreed to continue. At 0136 hours Barreto provided a valid breath sample of .185. At 0142 hours, Barreto provided another incomplete breath sample of .121. Barreto was given clear, simple instructions by this Officer and PBSO Breath Tech Gonzalez multiple times. Barreto failed to provide two valid breath samples which was declared a failure to submit at 0142 hours.

It should be noted, Barreto has a previous driving under the influence arrest dated

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER

05/06/2024
DATE

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

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

FLINK, ANDREW S (514)
NAME OF OFFICER (PLEASE PRINT)

05/06/2024
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

ADMIN

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

1. Arrest 2. N.T.A 3. Request for Warrant 4. Request for Capias

1

JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 24-002273

Charge Type. Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
BARRETO, FEDERICO M		W	M	12/05/1970

PROBABLE CAUSE STATEMENT

06/08/2012.

Based on the results of the investigation, this Officer has probable cause to charge Federico Barreto with driving under the influence to the extent his normal faculties were impaired, with an unlawful breath alcohol content, in violation of FSS 316.193(1)(C). The degree to which Barreto was impaired by alcohol, was in violation of FSS 316.193(4).

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (CIRCLE ONE)

05/06/2024
DATE

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

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

FLINK, ANDREW S (514)
NAME OF OFFICER (PLEASE PRINT)

05/06/2024
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

PALM BEACH GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 24-059667 PBSO Zone: 3-13

Agency Case #: 24002273 Crash Case #: _____

Incident Information:

Time of Stop/Crash: 0015 Date of Incident: 05/06/2024 Day: MONDAY

Location of Incident: 170 SANTA BARBARA WAY, PALM BEACH GARDENS, FL, 33410

Arrest Information:

Time of Arrest: 00:37 Date of Arrest: 05/06/2024 Day: MONDAY

Location of Arrest: 170 SANTA BARBARA WAY, PALM BEACH GARDENS, FL, 33410

Subject's Name: (L) BARRETO, (F) FEDERICO, (M) M

DOB: 12/05/1970 Race: W Sex: M Height: 5'11 Weight: 185 Hair BLN Eye GRN

Address: 170 SANTA BARBARA WAY, PALM BEACH GARDENS, FL 33410 Phone: (561) 379-9360

Arresting Officer's Name: A. FLINK ID#: 514

Agency: PBGPD Division: TRAFFIC UNIT ☐ Marcy's Law CVI FL. Const. Art. 1 § 16(b)

Breath Results

1) VNM at 0133 hrs.
2) 185 at 0136 hrs.
3) VNM at 0142 hrs.
4) _____ at _____ hrs.

UNUSED

---BAT Use---

BAT Notified: YES

Arrival Time at BAT: 0103

Subject Arrest Time: 00:37

Breath Test Operator: GONZALEZ 40577
PBSO

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TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: BARRETO, FEDERICO

CASE NUMBER: 24-059667

DATE: May 6, 2024

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 01:26

ENDING TIME: 01:44

BREATH TESTS RESULTS: 1) VNM TIME 01:33 A.M. ☒ P.M. ☐ 2) .185 TIME 01:36 A.M. ☒ P.M. ☐

3) VNM TIME 01:42 A.M. ☒ P.M. ☐ 4) R TIME 01:42 A.M. ☒ P.M. ☐

BREATH OPERATOR: M. GONZALEZ #40577

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM , QUIET,

CLOTHING: BEIGE SHORTS, RED SHIRT, BLACK SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: 6 DIFFERENT MEDICATIONS NAME UNKNOWN

OTHER:

DEXTERITY: UNSTEADY, SLOW, SWAYING EYES: GLASSY AND BLOODSHOT RED

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 01:03 HRS.

SUBJECT: AGREED TO TAKE TEST.
SUBJECT: WOULD NOT FOLLOW TECHNICIANS INSTRUCTIONS KEPT BLOWING AND STOPPING

A/O: READ I/C
SUBJECT: STATED HE UNDERSTOOD I/C AND AGREED TO PROVIDE SAMPLE

SUBJECT: CONTINUED TO NOT FOLLOW TEHCNICIANS INSTRUCTIONS KEPT BLOWING AND STOPPING.

A/O: CALLED REFUSAL AT 01:42

A/O: READ RIGHTS
SUBJECT: STATED HE UNDERSTOOD RIGHTS

A/O: NO Q & A CONDUCTED

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CSO
Instrument Serial Number: 80-006240 Software: 8100.27
Date of Test: 05/06/2024

Date of Last Agency Inspection: 04/19/2024
Observation Period Began: 01:03
Subject's Name: FEDERICO M BARRETO DOB: 12/05/1970 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	01:29
Air Blank	0.000	01:29
Control Test	0.081	01:29
Air Blank	0.000	01:30
Subject Sample #1	VNM*	01:33
Air Blank	0.000	01:34
Air Blank	0.000	01:36
Subject Sample #2	0.185	01:36
Air Blank	0.000	01:37
Air Blank	0.000	01:38
Subject Sample #3	VNM**	01:42
Air Blank	0.000	01:42
Control Test	0.080	01:43
Air Blank	0.000	01:43
Diagnostics Check	OK	01:43

*Volume Not Met (0.160 - Breath Sample Not Reliable to Determine Breath Alcohol Level)
**Volume Not Met (0.121 - Breath Sample Not Reliable to Determine Breath Alcohol Level)

Cylinder Lot: 14323080A3
Exp: 09/05/2025

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 MADELIN GONZALEZ, 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: _____ Date: 05/06/24
Signature

Sworn to (or affirmed) before me this 06 day of MAY, 2024

_____ OFC A. FLINK
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.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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24002273

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, A. FLINK, a duly certified Law Enforcement or Correctional Officer, am a member of PALM BEACH GARDENS POLICE DEPARTMENT, and I do swear or affirm that on or about the 6TH day of MAY, 2024, at 00:37 ☐P.M. ☑A.M.

(Name of Officer reading Implied Consent Warning)

(Name of Law Enforcement Agency)

DRIVER FEDERICO (FIRST NAME) M (MIDDLE OR MAIDEN NAME) BARRETO (LAST NAME),

DL # B630-253-70-445-0, state of FL, was placed under lawful arrest for the offense of DRIVING UNDER THE INFLUENCE OVER .08 by A. FLINK (Name of Arresting Officer) and issued citation # AJIQY1E.

That on or about the 6TH day of MAY, 2024, at 0142 ☐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.

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 2/7/2026

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 6TH day of MAY, 20 24, by A. FLINK, 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 05/06/2024

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.

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EFFECTIVE OCTOBER 1, 2021

SUBJECT: BARRY TERCERO 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) 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

NOT A CERTIFIED COPY

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: _____

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Palm Beach County Sheriff's Office

Florida State Statute Exemption Sheet

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(4)(c)	Undercover personnel	
	☐	119.071(2)(e)	Confession	
Public Info. Exemptions	☐	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)	
	☐	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	
	☐	119.0712(2)	Personal information contained in a motor vehicle record	
	☐	316.650(11)	Driver information contained in a uniform traffic citation	
	☐	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	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers	2
	☐	(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	☐			
	☐			
	☐			
	☐			

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REVIEW COMPLETED BY

Booking Number: 2024012155	**Date:** 5/6/2024
	Specialist Name/ID#: J. Gaines/ 44177