0539590 23CT6406 SB

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

1 Juvenile N

ADMINISTRATION

OBTS Number

Agency ORI Number	Agency Name	Agency Report Number
FL0500300	BOYNTON BEACH POLICE DEPT.	34-23-012116

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

Multiple Clearance Indicator

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
2700 W Woolbright Rd Boynton Beach, FL 33426	2500 W Woolbright Rd Boynton Beach, FL 33426

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
04/09/2023	1839					

DEFENDANT

Name (Last, First, Middle): Wayt, Holly, Moldovan

Alias (Name, DOB, Soc. Sec. #, Etc)

Race (W - White, B - Black, I - American Indian, O - Oriental / Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	F	06-07-1982	5'6	130	Blue	Blonde	Fair	Small

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)

Marital Status: Single

Religion: Unk

Indication of Alcohol Influence ☒ Y ☐ N ☐ Unk. Drug Influence ☐ ☐ ☒

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Residence Type (1. City 2. County 3. Florida 4. Out of State)
3672 NE Mediterranean LN, Jensen Beach		Florida,	~~33431~~	(772)261-7814	1

Permanent Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source
			34957	( ) -	FL DL

Business Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Occupation
				( ) -	Self Employed

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth	Citizenship
W300033827070 FL	[redacted]		Sac City, Iowa	USA

CO-DEF

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

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Other — Name (Last) (First) (Middle) — Residence Phone

Address (Street, Apt. Number) (City) (State) (Zip) — 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 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 561-355-2526) 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. Barbituate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/Equipment S. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
DUI	1	☐Yes ☒No	316.193.1A	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	23-012116		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
Refusal to Submit Criminal Citation	1	☐Yes ☐No	318.14(3)	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	23-012116		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐Yes ☐No		

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

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐Yes ☐No		

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

FILED PBC - GUN CLUB '23 APR 10 AM 7:30

NOTICE TO APPEAR

☐ Instruction No. 1 *Mandatory Appearance in Court*
☐ Instruction No. 2 You need not appear in Court but must *Comply with instruction on reverse side.*

Location (Court, Room Number, Address): South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444

Court Date and Time — Month: May Day: 22 Year: 2023 Time: 8:30 ☒ A.M. ☐ P.M.

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

ADMIN

HOLD for other Agency Name

Signature of Arresting Officer

Name Verification (Printed by Arrestee) (PRINT)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Name of Arresting Officer (Print): L.Nalerio I.D. #: 982

BU#

Intake Deputy — I.D. # — Pouch #

Transporting Officer: L.Nalerio I.D. #: 982 Agency: BBPD

Witness here is subject Signed with an "X".

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 9th **DAY OF** April **2023 AT** 1839 ☐ **A.M** ☒ **P.M.**

CASE #: 23-012116 **DEFENDANT:** Wayt, Holly, Moldovan

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On 4/9/23 at approximately 1809 hours, BBPD received a call in reference to an accident that occurred involving that vehicle. The witness Tatsuaki Hayashi was behind a White Toyota Avalon bearing FL tag BC39HI that was traveling westbound on W Woolbright Rd, in the area of S Congress Ave. Hayashi advised that the vehicle was unable to maintain its lane and all over the road. The vehicle continued westbound in the left and passed the intersection of S Congress Ave. It continued westbound and then struck the curb. The front left tire became flat and the rear left tire also became flat. The vehicle then continued driving westbound on its rims. As it reached the 2700 Block of W Woolbright Rd, the vehicle then started driving on the curb again. The vehicle then made a U-turn and then started traveling eastbound on W Woolbright Rd and back towards S Congress Ave intersection. The vehicle continued driving on its rims and continued to drive all over the road. The witness continued following the vehicle as it then pulled into the parking lot of Wawa at 2505 W Woolbright Rd. The vehicle parked in a parking spot on the west side and was incorrectly parked. The witness Hayashi then observed the driver and sole occupant of the vehicle, later identified as Holly Wayt, exit the driver side door. BBPD officers then arrived on scene and made contact with Wayt.

I asked Wayt if she needed medical attention which she stated that she did not. Wayt was sitting on the passenger side door when I arrived. I asked Wayt where she was coming from which she stated that she was coming from Jensen Beach. Wayt advised that she had been hanging out with friends. When Wayt spoke to me I could smell a strong odor of an unknown alcoholic beverage coming from her mouth. Wayt had slurred speech. I then instructed Wayt to walk towards the driver side of her vehicle so she could see the damage from the accident. I told Wayt that a witness observed her strike the curb many times. I asked Wayt if she wanted a crash report which she stated that she did. Wayt had a left front and rear blown out tire, and fresh damage to the rear left door.

Wayt did not want any medical attention. Wayt was unsteady on her feet and I could observe her swaying in a front and back manner. I still detected the strong odor of an unknown alcoholic beverage coming from her mouth, and the slurred speech still remained. I then advised Wayt that I finished the crash investigation and advised her of her Constitutional Warnings. I then advised Wayt that I was conducting a DUI investigation; which she understood. I asked Wayt if she had been consuming alcoholic beverages which she stated that she had been. Wayt advised that she had been drinking Bourbon. Wayt advised that she had a glass of it and had been drinking since about 1600 hours. Wayt stated that she finished drinking at around 1600 hours. When Wayt took her sunglasses off I then observed her eyes to be glassy. I asked Wayt if she had any issues with her eyes which she advised that she couldn't see at night time well. Wayt does not wear contacts. I then asked Wayt if she was injured which she stated that she wasn't. Wayt told me that she didn't know why she was in Boynton Beach and that she wasn't aware that she had been involved in an accident. Wayt did not recall where she had been throughout the day but stated that she had been drinking alcoholic beverages with her friends. Wayt was still unsteady on her feet and then I observed her to have 'cotton mouth'. Her speech continued to be slurred with the strong odor of an unknown alcoholic beverage coming from her mouth, every time she spoke.

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I asked Wayt if she would submit to Standardized Field Sobriety Task's which she advised NO. Wayt then became belligerent and kept disrupting my investigation. I advised Wayt of her Taylor Warnings and asked Wayt if she would submit to SFST's once again. Wayt responded with no. Based on my investigation, I placed Wayt under arrest for DUI. I transported Wayt to PBC BAT where a 20 minute observation was conducted. After the 20 minute observation, Wayt provided one breath sample of .227. Wayt then became uncooperative and asked for a lawyer. I advised her of Implied consent, which she understood. Wayt refused to provide the proper amount of breath samples and a refusal was determined at 19:42. Wayt was advised of her constitutional warnings and refused to partake in questions and answers. Wayt was TOT PBCJ without incident. Wayt's vehicle was towed by Becks towing. Within the center cup holder there was a blue 30 Oz cup. When I opened the lid of the cup I smelled the odor of an alcoholic beverage. The Cup was half filled and still had ice and was cold to the touch. Wayt also refused to sign a criminal citation and was charged with Refusal to Sign Criminal Citation. At the BAT, Wayt did state that she was involved in an accident and remembered driving on the curb.

HORIZONTAL GAZE NYSTAGMUS:

- ☐ Left eye does not follow smoothly
- ☐ Left eye prior to 45 degrees
- ☐ Distinct jerking in left eye at maximum deviation
- ☐ Vertical Nystagmus in left eye
- ☐ Right eye does not follow smoothly
- ☐ Right eye prior to 45 degrees
- ☐ Distinct jerking in right eye at maximum deviation
- ☐ Vertical Nystagmus in right eye

WALK AND TURN:

ONE LEG STAND:

FINGER TO NOSE:

ROMBERG/ALPHABET:

NOT A CERTIFIED COPY

The following instrument was sworn to before me this 9 day of April 2023

By: Ofc.Nalerio

PARIS POUND
MY COMMISSION # HH 202850
EXPIRES: March 25, 2026
Bonded Thru Notary Public Underwriters

Notary/Police Officer (F.S.S. 1[illegible]) Signature of Arresting Officer

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Patrolman LUIS NALERIO (Person reading Implied Consent Warning), a duly certified Law Enforcement Officer or Correctional Officer, am a member of Boynton Beach Police Department (Name of enforcement agency), and I do swear or affirm that on or about the NINTH day of April, 2023, at 6:41 PM

DRIVER (Type or Print) HOLLY (FIRST) MOLDOVAN (MIDDLE OR MAIDEN) WAYT (LAST),

DL # W300333827070, state of FL, was placed under lawful arrest for the offense of DUI by Patrolman LUIS NALERIO (Name of Arresting Officer) and issued Citation # AE159QE.

That on or about the NINTH day of January, 2023, at 7:42 PM 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 Corrctional Officer

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

NOTARY PUBLIC STATE OF FLORIDA
PARIS POUND
MY COMMISSION # HH 202850
EXPIRES: March 25, 2026
Bonded Thru Notary Public Underwriters

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 9th day of April, 2023, by Ofc. Nalerio who is personally known to me or who has produced LEO 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.

NOT A CERTIFIED COPY

****EFFECTIVE OCTOBER 1, 2021****

TESTING FACILITY TASK REPORT

AGENCY: BBPD

SUBJECT: WAYT, HOLLY M

CASE NUMBER: 23-055606

DATE: Apr 9, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 19:32

ENDING TIME: 19:43

BREATH TESTS RESULTS: 1) .227 TIME 19:38 A.M.☐ P.M.☒ 2) R TIME 19:42 A.M.☐ P.M.☒

3) N/A TIME N/A A.M.☐ P.M.☐ 4) N/A TIME N/A A.M.☐ P.M.☐

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

REFUSED

ATTITUDE: CALM, QUIET , CRYING

CLOTHING: GRAY PANTS , GRAY TANK TOP, BLACK SANDALS

MEDICAL CONDITIONS: YES

MEDICATIONS: DO NOT KNOW

OTHER:

NOT A CERTIFIED COPY

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 19:09 HRS.

SUBJECT: AGREED TO TAKE TEST

SUBJECT: CAME UP TO PROVIDE THE FIRST SAMPLE THEN STATED SHE WANTED HER LAWYER

A/O: READ I/C

SUBJECT: STATED SHE UNDERSTOOD I/C AND REFUSED TO TAKE TEST

A/O: READ RIGHTS

SUBJECT: STATED SHE UNDERSTOOD RIGHTS

NO Q&A CONDUCTED

REFUSED

SUBJECT: INVOKED HER RIGHTS TO COUNSEL

PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 23-055606 PBSO ZONE 6-12

AGENCY CASE # 23-012116 CRASH CASE #

TIME OF STOP/CRASH 1801 DATE 4-9-23 DAY Sunday

SUBJECT'S NAME Wayt, Holly, Moldovan RACE W SEX F

HGT 5'6 WGT 130 DOB 6-7-1982

LOCATION 2700 W Woolbright Rd, Boynton Beach, FL 33426

ARRESTING OFFICER'S NAME & ID Nalerio 982 AGENCY BBPD

DIVISION: PATROL

NOTIFIED BY COMMO

ARRIVAL AT FACILITY 1909

BREATH RESULTS:

Arrest Time 1839

1. .227
2.
3. REFUSED
4.

TESTING OFFICER'S ID 24639

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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 CO SO
Instrument Serial Number: 80-006240 Software: 8100.27
Date of Test: 04/09/2023

Date of Last Agency Inspection: 03/10/2023
Observation Period Began: 19:09
Subject's Name: HOLLY M WAYT DOB: 06/07/1982 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	19:34
Air Blank	0.000	19:35
Control Test	0.080	19:35
Air Blank	0.000	19:36
Subject Sample #1	0.227	19:38
Air Blank	0.000	19:39
Air Blank	0.000	19:40
Subject Sample #2	REF*	19:42
Air Blank	0.000	19:42
Control Test	0.077	19:42
Air Blank	0.000	19:43
Diagnostics Check	OK	19:43

*Subject Test Refused

Cylinder Lot: 08622080A1
Exp: 06/05/2024

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 PARIS D POUND, 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: 04/09/2023
Signature

Sworn to (or affirmed) before me this 9th day of April, 2023

_____ OFC. C. NALERIO
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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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:	

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REVIEW COMPLETED BY

Booking Number: 2023009248	**Date:** 4/10/2023
	Specialist Name/ID: M. Tooks #8557