0539715 23CT-6896 AMD 3405

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

☐ Check if Supplement is Attached

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

OBTS Number:

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

Juvenile: N

ADMINISTRATIVE

Agency ORI Number: FLO 5 0 0 0 0 0 0

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 0 6 - 23-057751 ( )

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: 0 1

Location of Arrest (including Name of Business): 6872 Southern Blvd, West Palm Beach, FL 33413

Location of Offense (Business Name, Address): 6872 Southern Blvd, West Palm Beach, FL 33413

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
04/15/2023	2050					Tows R Us Towing

DEFENDANT

Name (Last, First, Middle): Lieck Jr, James, Edward

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	M	8/11/1963	6'04	225	Brown	Brown	Light	Large

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

Marital Status: Single

Religion: NONE

Indication of: Alcohol Influence ☒ Y ☐ N ☐ Unk; Drug Influence ☐ Y ☐ N ☒ Unk

Local Address (Street, Apt. Number) (City) (State) (Zip): 539 Shady Pine Way Apt D2, Greenacres, FL 33415

Mobile Phone: (954) 2420493

Residence Type: 1. City 2. County 3. Florida 4. Out of State: 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip):

Phone: ( )

Address Source: DL

Business Address (Name, Street) (City) (State) (Zip):

Phone: ( )

Occupation: Healthcare

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
L260445632910, FL	[redacted]		San Antonio, TX	USA

CO-DEF

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

Co-Defendant (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) 355-8511) 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. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
Driving Under The Influence	1	☐ Y ☒ N	316.193(1)(A)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
U	U		23-057751		OR

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

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): Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561) 688-4600

Court Date and Time: Month May Day 11 ~~Year 2023~~ ~~Time 0830~~ 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: 04/15/2023

I consent to receive text reminders of court date(s) and times for this case by automated technology to the mobile number identified above. I understand that standard text message rates may apply, and that I may revoke this consent via the text message system if I choose. Signature

ADMIN

HOLD for other agency: NO DETAINER

Signature of Arresting Officer: X

Name Verification (Printed by Arrestee) (PRINT)

☐ Dangerous ☐ Suicidal ☐ Resisted Arrest ☐ Other:

Name of Arresting Officer (Print): D/S Y. Agaoglu I.D. #: 37986

Intake Density: Pouch #:

Transporting Officer: D/S Y. Agaoglu I.D. #: 37986 Agency: PBSO

Witness here if subject signs with an X

PAGE 1 OF 1

PBSO #0148 REV. 11/22 DISTRIBUTION: COURT COPY STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

APR 17 2023 22 APR 18 AM 10:50

NOT A CERTIFIED COPY

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias | 1 | Juvenile: N

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	23-057751

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
Lieck Jr, James, Edward		W	M	8/11/1963

CHARGES

Charge Description		Charge Description	
Driving Under The Influence	316.193(1)(A)		
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**
	( )	

The undersigned certifies and swears that I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law.
The Person taken into custody:

☒ committed the below acts in my presence.
☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
☐ confessed to _____ admitting to the below facts.
☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 15 day of April 20 23 at 2023 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

☐ **Marsy's Law CVI**
FL. Const. Art.1 § 16(b)

On April 15, 2023 at approximately 2022 hours, while traveling westbound in the off ramp of Southern Blvd and N Jog Rd, I observed a dark colored Slingshot go past me, going straight to the westbound on ramp of Southern Blvd at N Jog Rd at a high rate of speed. The Slingshot went westbound in the right turn only lane. I got behind the maroon Slingshot bearing FL tag MUKU18 and initiated a traffic stop at 6872 Southern Blvd, in unincorporated Palm Beach County.

I made contact with the driver and sole occupant, later positively identified by his FL Driver's License as James Edward Lieck Jr (W/M DOB 08/11/1963) and advised him of the reason for the stop. I asked him to turn off the vehicle which he did, however it was not in park which resulted in the vehicle moving forward few feet before I told him to put it in park. Upon speaking to Lieck, I could immediately smell an unknown alcoholic beverage emanating from his breath. His eyes were bloodshot and glossy, and he slurred his works speaking slowly. I asked Lieck multiple times where he was heading from but he did not pay attention to me. He then stated the he was coming from a friends house. When I asked him how much he's had to drink, initially he stated none but then he stated "a couple". I asked Lieck if he had any medical conditions, he stated "theres like 29 of em". I asked if he was diabetic to which stated he was not.

Based on my observations, I asked Lieck to step out of his vehicle.

I then asked Lieck if he would consent to performing Standardized Field Sobriety Tasks (SFST's) for the purpose of determining if he was impaired while operating a motor vehicle. He initially stated he did not. I read him Taylor warnings and asked once again if he would consent to performing SFST's. He agreed. The first task was Horizontal Gaze Nystagmus. The second task was the Walk and Turn, the third task was the One Leg Stand, the forth task was the Finger to Nose, and the fifth Task was the Romberg Alphabet. His deficiencies were recorded on another form in this worksheet.

At the conclusion of the roadsides, based on the totality of the circumstances I determined probable cause existed to arrest and charge the defendant with DUI. I placed the defendant into handcuffs, which I checked for proper fit and double locked. I transported the defendant to the BAT. Upon arrival at 2115 hours, I conducted a twenty-minute observation period, during which time the defendant did not regurgitate or take anything by mouth. The defendant was relocated into the testing room where I requested a lawful sample of their breath. I asked the defendant to provide a breath sample for testing the alcohol content.

He refused to provide a breath sample. He was read implied consent to which he stated he understood. He was once again asked if he would provide a breath sample. He refused at 2140 hours. He was read his Miranda Right's which he stated he understood. He refused to answer question and asked for an attorney. He was escorted out of the testing room and placed in a holding cell. Once the booking documents were complete, the defendant was escorted over to the booking desk without incident.

Lieck was issued DUI citation AGY7PRE with a court date of May 11, 2023 at 0830 hours at the Criminal Justice Complex. He was also issued Florida Uniform Traffic Citation AHUBTNE for failing to use designated lane.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Y. Agaoglu
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 15 day of April 20 23 by D/S Y. Agaoglu
(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced Known

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

Notary Public State of Florida
Renee Rush
My Commission GG 986118
Expires 03/05/2024

PAGE 1 OF 1

PBSO #0004 REV. 12/22

DISTRIBUTION: STATE ATTORNEY AGENCY DEFENDANT/(IN A SECURE)

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SCANNED
APR 17 2023

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 15 DAY OF April 20 23, AT 2023 AM ✓ PM

SUBJECT: Lieck Jr, James, Edward CASE NUMBER: 23-057751

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S Y. Agaoglu

PERSONAL CONTACT

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

I observed a dark colored Slingshot go past me, heading westbound from the off ramp of westbound Southern Blvd & N Jog Rd to the westbound on ramp of Southern Blvd at N Jog Rd at a high rate of speed. The Slingshot went westbound in the right turn only lanes.

OBSERVATION OF DRIVER:

I observed the defendant, James Edward Lieck Jr who was wearing a white/blue shirt, dark colored shorts. I asked the defendant to walk over to the front of my vehicle and speak with me. While walking over to my vehicle, the defendant was unsteady on his feet. While standing stationary the defendant swayed. I could see the defendants eyes were bloodshot and glossy. He had an obvious odor of an unknown alcoholic beverage emitting from his breath that grew stronger as he spoke. The defendants speech was slow and slurred.

DRIVER'S STATEMENTS:

The defendant said he did not have any physical defects, diabetes, or receive a bump on the head. The defendant said he had 2 cocktails to drink. The defendant said he was coming from friends house. I asked the defendant to submit to roadside field sobriety tasks to which he refused. I read the defendant Taylor Warnings stating that I am giving him an opportunity to dispel my suspicion that you are under the influence. If you refuse to do the tasks I'm asking of you, I will have to base my decision on what I've seen so far. These tasks are voluntary. Refusal to submit can be used against you in court. With this in mind, are you willing to submit to the tasks that I am asking of you. He agreed.

ODORS:

An obvious odor of an unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: **Slow, Slurred, Thick,**

ATTITUDE: **Calm, Compliant**

CLOTHING: **Neat, Clean**

MEDICAL/OTHER: **Nerve condition, neuropathy, Gerd. Stated he takes nexium, descovy.**

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Y. Agaoglu
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 15 day of April 20 23 by D/S Y. Agaoglu

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

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

Notary Public State of Florida
Renee Ragin
My Commission GG 966418
Expires 03/05/2024

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SCANNED
APR 17 2023

SUBJECT: Lieck Jr, James, Edward CASE NUMBER 23-057751

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

HGN:HGN: During the HGN task the eyes tracked equally, the pupil sizes were consistent and there were no indicators at resting nystagmus. Both eyes showed lack of smooth pursuit. Both eyes showed distinct and sustained nystagmus at maximum deviation. Both eyes showed onset of nystagmus prior to 45 degrees. Defendant swayed and moved his head. Defendant anticipated.

WALK & TURN:

The task was explained and demonstrated. The defendant stated he understood the instructions. During the task the defendant failed to maintain the instructional stance. The defendant swayed while standing stationary. The defendant failed to maintain instructional stance.The defendant used his arms for balance throughout the task, did not touch heel to toe multiple times, stepped off the line, and took the incorrect number of steps.

ONE LEG STAND:

The task was explained and demonstrated. The defendant stated he understood the instructions. The defendant swayed while standing stationary. During the task the defendant used arms for balance, put his foot down multiple times before 30 seconds elapsed.

FINGER TO NOSE:

The task was explained and demonstrated. The defendant stated he understood the instructions. The defendant swayed while standing stationary. The defendant did not touch the tip of finger to the tip of nose. The defendant did not use correct hand on the counter request.

ROMBERG ALPHABET:

The task was explained and demonstrated. The defendant stated he understood the instructions. The defendant swayed while standing stationary. During the task the defendant did not tilt head back/close eyes. The defendant recited the alphabet incorrectly.

BREATH TEST RESULTS: | 1) Refused | 2) Refused | 3) | 4) |

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Y. Agaoglu
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 15 day of April 2023 by D/S Y. Agaoglu

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

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

Notary Public State of Florida
Renee Ragin
My Commission GG 966418
Expires 03/05/2024

NOT A CERTIFIED COPY

SCANNED
APR 17 2023

WITNESS LIST

CASE NUMBER: 23-057751

ARRESTING OFFICER: D/S Y. Agaoglu

ADDRESS: 3228 GUN CLUB RD, WEST PALM BEACH, FL 33406

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

CAN TESTIFY TO: FACTS OF THE CASE

NAME: DEPUTY Garza 35676

ADDRESS: 3228 GUN CLUB RD, WEST PALM BEACH, FL 33406

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

CAN TESTIFY TO: INDICATORS OF IMPAIRMENT, SFST'S

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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COPIED
APR 17

TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: Lieck Jr., James E.

CASE NUMBER: 23-057751

DATE: Apr 15, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 21:38

ENDING TIME: 21:41

BREATH TESTS RESULTS: 1) Refused TIME 21:40 A.M.☐ P.M.☒ 2) N/A TIME ——— A.M.☐ P.M.☐

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

BREATH OPERATOR: R. Ragin #16877

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

REFUSED

SPEECH: Slurred

ATTITUDE: Calm, agitated

CLOTHING: Blue shorts, blue and white t-shirt, gray shoes

MEDICAL CONDITIONS: Multiple things, gerd, 21 surgeries

MEDICATIONS: Nexium, Vitamin D

REFUSED

OTHER:

Eyes are red

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COMMENTS:

Arrived at center A/O started 20 minute observation period at 21:15 hrs.

Subject refused to perform breath test.

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

Subject refused to take test.

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

Subject invoked the right to counsel NO Q&A conducted.

APR 17



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

PBSO CASE # 23-057751 PBSO ZONE 1-24

AGENCY CASE # 23-057751 CRASH CASE #

TIME OF STOP/CRASH 2023 DATE 04/15/2023 DAY Saturday

SUBJECT'S NAME Lieck Jr, James, Edward RACE W SEX M

HGT 6'04 WGT 225 DOB 8/11/1963

LOCATION 6872 Southern Blvd, West Palm Beach, FL 33413

ARRESTING OFFICER'S NAME & ID D/S Y. Agaoglu (37986) AGENCY Palm Beach County Sheriff's Office

DIVISION: Patrol

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 2115

ARREST TIME 2050

BREATH RESULTS:

1)

2) REFUSED

4)

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TESTING OFFICER'S ID 16877 PBSO VIDEOTAPE # N/A

SCANNED
APR 17 2023

STATE OF FLORIDA

AFFIDAVIT OF REFUSAL TO SUBMIT TO

BREATH TEST

I, Deputy Y AGAOGLU, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)

am a member of Palm Beach County Sheriffs Office, and I do swear
(Name of enforcement agency)

or affirm that on or about the FIFTEENTH day of April, 2023, at 10:14 PM

DRIVER JAMES EDWARD LIECK JR,
(Type or Print) FIRST MIDDLE OR MAIDEN LAST

DL # L260445632910, state of FL, was placed under lawful arrest for

the offense of DUI by Deputy Y AGAOGLU and
(Name of Arresting Officer)

issued Citation # AGY7PRE.

That on or about the FIFTEENTH day of April, 2023, at 9:40 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
Renee Ragin
My Commission GG 966418
Expires 03/05/2024
(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 15 day of April, 2023, by Y. Agaglu who is personally known to me or who has produced _____ as identification.

Notary Public _____

The foregoing instrument was sworn and subscribed before me:

_____
Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.

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

NOT A CERTIFIED COPY

SCANNED APR 17

SUBJECT: [illegible] CASE NUMBER: [illegible]

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your ***BREATH*** for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your ***URINE*** for the purpose of determining the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am _____ of the _____

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a refusal to submit to a lawful test of your ***breath, urine*** or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law.

Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS SIGNATURE: (X)_____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X)_____

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WHITE: STATE ATTY. YELLOW: DHSMV PINK: CENTRAL RECORDS GOLD: JAIL

SUBJECT: [illegible] E. CASE NUMBER: [illegible]

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

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: 2023009913	**Date:** 4/16/2023
	Specialist Name/ID: Chantel Daniels/30347