50 2023- CT-00 4717 ASB

0538872

10606

[redacted]

Arrest Report

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
3/11/2023 04:57 AM	FHP99ARR824719	FHP23ON0128139 / RCC23IN0195363	SAYIH R. A.

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	03/11/2023 03:54:10 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	INTERSTATE 95

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
95	SB STATE ROAD 708		WEST PALM BEACH	FL	33404

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
JOHN-FRANCO		GAUDINO		WHITE	MALE	511	200	BLK	BLU

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	10/10/1993	29	E	G350420933700	FL	

Place of Birth:	WEST PALM BEACH FL USA

Address
* RESIDENCE / 1900 S KANNER HWY , STUART, FL 34994 / 561-914-1357

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
3/11/2023 4:51:54 AM	PUBLIC PLACE	INTERSTATE 95

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
95	SB STATE ROAD 708		PALM BEACH	WEST PALM BEACH	FL	33404

Charge : S

Counts	Charge	Bond Amount	
1	316.193.1a	$0.00	☐ No Bond

Charge Degree	Charge Level
S	MISDEMEANOR
General Offense Code	Arrest Offense Code
	DUI-UNLAW BLD ALCH

Charge Description
DUI INFLUENCE OF ALCOHOL OR DRUGS

Administrative Code - Description
-

MAR 11 AM 10:29

DUI 1- OR

FILED PRC
'23 MAR

NOT A CERTIFIED COPY

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
3/11/2023 04:57 AM	**FHP99ARR824719**	**FHP23ON0128139 / RCC23IN0195363**	**SAYIH R. A.**

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	**03/11/2023 03:54:10 -**	

OBTS Number	Other Number	Clearance

Bond Set by Court

Bond Amount	☐ **No Bond**

Bond Type(s)

Probable Cause

On Saturday, March 11th, 2023, I, Trooper Sayih, was on routine service patrol in Palm Beach County, FL. I was traveling northbound on Interstate 95 (State Road 9) south of State Road 80 (Southern Blvd), when the Lake Worth Regional Communications Center (LWRCC) dispatched me to a crash located southbound on Interstate 95, south of State Road 708 (Blue Heron Blvd). The LWRCC stated that the crash was a split scene and that there was a vehicle on each side of the Interstate. Upon arriving on scene, I observed fire rescue out with the vehicle furthest north on the right paved emergency shoulder. The first driver was questioned on how the crash occurred and stated that as he was traveling southbound in the center lane, his rear left side was struck by the other vehicle. The driver then stated that due to the disabling damages, he came to a final rest on the right paved emergency shoulder while the other vehicle pulled off to the left, never making contact with the other driver. After assisting the first driver and conducting the first half of the crash investigation, I made my way over to the left paved emergency shoulder, just south of my current location to the other vehicle that was involved. I then made contact with the second driver involved in the crash, later identifying them through their Florida driver license as John-Franco Gaudino with a date of birth of 10/10/1993. Mr. Gaudino was also questioned on how the crash occurred and stated that as he was traveling southbound in the outside lane, he sideswiped the other vehicle who was at a complete stop on the right shoulder. Mr. Gaudino was then questioned again on if he was sure that the vehicle was stopped. He insisted that it made no sense to him that the vehicle was not stopped. Mr. Gaudino was advised that the other driver stated they were in the center lane when they were hit. Mr. Gaudino then stated that he did not recall the vehicle being in the center lane and that there was no way he could hit a vehicle that was driving. Throughout my interaction with Mr. Gaudino outside of the vehicle, I could smell the strong odor commonly associated with the smell of an unknown alcoholic beverage emitting from his breath as he spoke to me. I also observed his eyes to be red in color and glossy, along with his speech being slurred and mumbled. After obtaining all the information needed for the crash investigation, I proceeded to conduct a criminal DUI investigation concerning Mr. Gaudino, due to my observations.

Mr. Gaudino was asked to step in front of my patrol vehicle, where he was then advised that I had concluded the crash investigation and due to my observations throughout it, I had reason to believe that he was operating his motor vehicle while under the influence of alcohol and/or a controlled substance, and that I would now be conducting a criminal DUI investigation. Mr. Gaudino was then read Miranda Warning and stated he understood his rights. After Mr. Gaudino stated he understood his rights, he still consented to answer any questions I would be asking. Mr. Gaudino was questioned again on how the crash occurred. Mr. Gaudino stated that as he was driving the Toyota southbound, he

NOT A CERTIFIED COPY

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
3/11/2023 04:57 AM	FHP99ARR824719	FHP23ON0128139 / RCC23IN0195363	SAYIH R. A.

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	03/11/2023 03:54:10 -	

OBTS Number	Other Number	Clearance

was on the phone and struck the other vehicle. Mr. Gaudino stated he was not sure if the crash occurred in the center lane or the outside lane. He then stated it was possible that it could have been the outside lane and that the other vehicle was moving. Mr. Gaudino was questioned on the positioning of the vehicles, to which he stated he was behind the other vehicle and attempted to avoid colliding into it by maneuvering into the next lane over to the left, resulting in the front right side of his vehicle colliding into the rear left side of the other vehicle. Mr. Gaudino was questioned on his estimated speed, to which he stated he was going the speed limit but was then unsure what the speed limit was and said 60mph. However, shortly after he changed his answer to 65mph. Mr. Gaudino also stated that he was the only occupant in the vehicle. Throughout this conversation, I could still smell the strong odor commonly associated with the smell of an unknown alcoholic beverage emitting from his breath as he spoke to me. Mr. Gaudino was then advised that I would now be requesting for him to perform a series of roadside exercises (Standardized Field Sobriety Exercises), resulting in him refusing to do so. Mr. Gaudino was advised that if he refused, I would base my decision on the investigation and on all the information that I had obtained thus far, as well as my observations up until this point. Mr. Gaudino was provided another opportunity to perform the roadside exercises to which he refused to perform.

Due to the totality of the circumstances, Mr. Gaudino was then placed under arrest at approximately 04:51 AM for DUI pursuant to Florida Statue 316.193.1a. Mr. Gaudino was then searched and placed in my patrol vehicle where he was then transported to JFK Hospital for medical clearance. After Mr. Gaudino was medically cleared, he was then transported to the Palm Beach County Jail's breath alcohol testing facility (BAT). Inside the Palm Beach County Jail's breath alcohol testing facility (BAT), I conducted a 20-minute observation period on Mr. Gaudino. Mr. Gaudino did not take anything by mouth or regurgitate. After Mr. Gaudino's 20-minute observation period was over, he was given an opportunity to provide a breath sample, in which refused to provide. Mr. Gaudino was then read implied consent and provided another opportunity to provide a breath sample resulting in him refusing to consent again at approximately 06:37 AM. Mr. Gaudino was then booked into the Palm Beach County Jail without further incident.

Video of the crash investigation, DUI investigation and transport to JFK hospital and Palm Beach County Jail is available upon request.

Video of the Palm Beach County BAT Facility can be obtained through the Palm Beach County records department.

NOT A CERTIFIED COPY

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

Booking Facility Location	Booking Number
3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406	

Booking Comments

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
3/11/2023 04:57 AM	FHP99ARR824719	FHP23ON0128139 / RCC23IN0195363	SAYIH R. A.

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	03/11/2023 03:54:10 -	

OBTS Number	Other Number	Clearance

Court

Court County	Court Location
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406

Court	Court Phone	Court Appereance Date / Time	Court Fine
CRIMINAL JUSTICE COMPLEX	561-355-2994		

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SAYIH R. A. TPR 3822	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LWRCC\PALM BEACH\BROW LN TO SR804

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name	Office Rank	Officer ID No
SAYIH R. A.	TPR	3822

Officer Agency

FLORIDA HIGHWAY PATROL

Officer Signature

Sworn and subscribed before me, the undersigned authority

This the 11 day of March 2023

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

JOSHUA BELL
MY COMMISSION #GG346008
EXPIRES: JUN 18, 2023
Bonded through 1st State Insurance

○ No Bill / Petition ○ Issue Warrant ○ Prosecution Approved

Signature of Assistant State Attorney Date

NOT A CERTIFIED COPY

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

PBSO CASE # 23-045292 AGENGY CASE# 3-21 FHP23ON0128139

AGENCY ZONE _____ CRASH CASE # _____

TIME OF STOP/CRASH 03:54 AM DATE 03/11/2023 DAY SATURDAY

SUBJECT'S NAME JOHN-FRANCO GAUDINO RACE W SEX M

HGT 5'11" WGT 200 DOB 10/10/1993

LOCATION SB INTERSTATE 95 SOF STATE ROAD 708

ARRESTING OFFICER'S NAME & ID TPR. SAYIH 3822 AGENCY FLORIDA HIGHWAY PATROL

DIVISION: LAKE WORTH

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 06:15 HRS

BREATH RESULTS:

ARREST TIME 04:51 AM

1. _____
2. _____
3. REFUSED
4. _____

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # 1

NOT A CERTIFIED COPY

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

I, TPR. SMITH #3822, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)
member of FLORIDA HIGHWAY PATROL, and I do swear
(Name of Law Enforcement Agency)
or affirm that on or about the 11TH day of MARCH, 2023, at 04:51 ☐P.M. ☑A.M.
DRIVER JOHN-FRANCO GAUDINO,
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME
DL # G350420933700 state of FLORIDA, was placed under lawful arrest for
the offense of DUI by TPR. SMITH #3822 and
(Name of Arresting Officer)
issued citation # A773I4E.
That on or about the 11TH day of MARCH, 2023, at _____ ☐P.M. ☑A.M.
in PALM BEACH county,

I requested that the driver submit to a ☑**breath and/or** ☐**urine** test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended, 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. Additionally, I informed the driver that if he or she holds a Commercial Driver's License (CDL), or was operating a commercial motor vehicle, refusal will result in the disqualification of the CDL for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

#3822
Signature of Law Enforcement Officer or Correctional Officer

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

SHARI L. O'NEAL
Notary Public - State of Florida
Commission # GG 972080
My Comm. Expires Jun 25, 2024
Bonded through National Notary Assn.

The foregoing instrument was sworn and subscribed before me this 11 day of March 20 23,
by _____,
who is personally known to me or who has produced _____ as identification.
Notary Public S. O'Neal

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.

HSMV-BAR1001 (REV. 09/2021)

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FHP-L TRP. SAYIH #3822

SUBJECT: GAUDINO, JOHN-FRANCO

CASE NUMBER: 23-045292

DATE: 03-11-23

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 06:36 HRS

ENDING TIME: 06:38 HRS

REFUSED

BREATH TEST RESULTS: 1) [ ] TIME 06:37 A.M. [X] P.M. [ ] 2) [ ] TIME [ ] A.M. [ ] P.M. [ ]

3) [ ] TIME [ ] A.M. [ ] P.M. [ ] 4) [ ] TIME [ ] A.M. [ ] P.M. [ ]

BREATH OPERATOR: S.O'NEAL #6212

MAINTENANCE TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLUR

ATTITUDE: CALM, COOPERATIVE

CLOTHING: JACKET- GREEN SHIRT- BLUE PANTS- BLACK WASH JEANS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES:VERY RED, GLASSY

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O SAYIH #3822

A/O REQUESTED THE BREATH TEST.
D REFUSED THE BREATH REQUEST.
A/O READ THE IMPLIED CONSENT ON CAMERA, D UNDERSTOOD THE I/C AS READ.
D STILL REFUSED THE BREATH REQUEST AFTER THE I/C WAS READ TO HIM.
C/W READ ON CAMERA, D REFUSED Q&A.

NOT A CERTIFIED COPY

SUBJECT: Gaudino, John-Franco CASE NUMBER: FHP23ONØ128139

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 Trp. Sayih #3822 of the FHP

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: Gaudino, John-France CASE NUMBER: FHP23ONØ128139

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: _____

NOT A CERTIFIED COPY

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:	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2023006645	**Date:** 3/12/2023
	Specialist Name/ID: Chantel Daniels/30347