JH 054510 BCI 19571 PH 1947

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: FL 0500300

Agency Name: BOYNTON BEACH POLICE DEPT.

Agency Report Number: 34-23-054048

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): 2000 N Federal Hwy, Boynton Beach, FL 33426

Location of Offense (Business Name, Address): 400 E Gateway Blvd, Boynton Beach, FL 33426

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/27/2023	0240					

DEFENDANT

Name (Last, First, Middle): Hebert, Lindsey, Michelle

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	03/23/1982	5'02	100	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): 17 Crossings Cir Apt G, Boynton Beach

(City) (State): Florida, (Zip): 33431

Phone: ( ) -

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

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

Phone: ( ) -

Address Source: FL DL

Business Address (Street, Apt. Number) (City) (State) (Zip)

Phone: ( ) -

Occupation: Bartender

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth	Citizenship
H163533826030 FL	[redacted]		Ontario, Canada	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): (1) ok

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
-	-	-	23-054048		

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
-	-	-			

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 OCT 27 AM 8:34

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 November Day 27 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:

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Signature of Arresting Officer

Name Verification (Printed by Arrestee) (PRINT)

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

BU#

Intake Deputy: QI Hebert 7206 I.D. # Pouch #

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

Witness here is subject Signed with an "X".

Page 1 of 1

OCT 27 AM 4:50

NOT A CERTIFIED COPY

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 27TH **DAY OF** October **2023 AT** 0240 ☒ **A.M** ☐ **P.M.**

CASE #: 23-054048 **DEFENDANT:** Hebert, Lindsey, Michelle

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On 10/27/23 at approximately 0226 hours I was in the area of 1500 N Federal Hwy, traveling northbound in my marked patrol vehicle 4031. In front of me, I observed a White Jeep Wrangler bearing FL tag LFQX33. The Jeep was traveling northbound in the left lane. I then observed the Jeep swerving to the right lane and then steering back to the left lane. At which point, it almost hit the curb multiple times. The Jeep would veer to the left, passing the solid yellow line and then back to the left lane. After the vehicle was not able to maintain its lane, several times, I activated my emergency equipment and conducted a lawful traffic stop at 2000 N Federal Hwy. After I turned on my emergency equipment the vehicle still continued northbound at a slow rate of speed. It then reached the green light at E Gateway Blvd where it then turned left to travel westbound on E Gateway Blvd. My emergency equipment still activated I observed the vehicle turning right onto NE 4th St, where it then came to a stop just north of E Gateway Blvd.

I then made contact with the driver of the vehicle Lindsey Hebert. I advised Hebert for the reason of the stop which she said that she understood. Hebert stated that she was on the phone and that was the reasoning for her driving. As Hebert spoke to me, I could smell the strong odor of an unknown alcoholic beverage coming from her mouth. When Hebert looked at me, I observed that her eyes were glassy. I asked Hebert where she was coming from and she told me that she was coming from Hypoluxo Rd. It should be noted that she was northbound going towards Hypoluxo Rd and driving towards it. Hebert told me that she was going home from Hypoluxo Rd. I then proceeded to ask Hebert if she consumed any alcoholic beverages which she told me that she did. Hebert told me that she had a mixed drink and two beers. Speaking to Hebert I could still smell the strong odor of an unknown alcoholic beverage coming from her mouth, which intensified the more she spoke.

I then asked Hebert to step out of the vehicle, When Hebert stepped out of the vehicle, she was unsteady on her feet and almost lost her balance. I advised Hebert I was conducting a DUI investigation which she stated that she understood. Hebert told me that her last consumed alcoholic beverage was a beer at around 2000 hours on 10/26/2023. The odor of an unknown alcoholic beverage was still present when Hebert spoke to me outside of the vehicle. I then asked Hebert if she would Submit to Standardized Field Sobriety Task's; which she became hesitant and a bit uncooperative. Hebert started to ask questions, which she asked the same questions multiples times, and I answered them. I observed that Hebert was also swaying and attempting to use my push-bar for balance.

Hebert then stated that she would not partake in SFST'S which I then advised her of her Taylor Warnings; which she advised that she understood. I asked Hebert multiple times if she would submit to SFST'S and she would not give a clear and concise answer. Hebert would disrupt me and not answer in a yes or no manner. After several chances, she then advised that she would not submit to roadsides. Hebert was then placed under arrest for DUI pursuant to FSS 316.1931A. Hebert was transported to PBC Bat Where a 20 minute observation was conducted. After the observation, Hebert refused to provide a breath sample. Hebert was advised of implied consent which she stated that she understood. Hebert still refused and was

NOT A CERTIFIED COPY

then advised of her constitutional warnings. Hebert refused to partake in Q&A's. Heberts' vehicle was towed by Becks towing. Hebert was issued citations. Hebert was TOT PBCJ without incident.

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:

The following instrument was sworn to before me this 27th day of October 2023

By: Ofc.Nalerio

Notary/Police Officer (F.S.S. 117.10)

Signature of Arresting Officer

THOMASINA MILLER
Notary Public - State of Florida
Commission # HH 339641
My Comm. Expires Dec 7, 2026
Bonded through National Notary Assn.

NOT A CERTIFIED COPY

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Officer L NALERIO, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)

am a member of Boynton Beach Police Department, and I do swear
(Name of enforcement agency)

or affirm that on or about the TWENTY-SEVENTH day of October, 2023, at 2:44 AM

DRIVER (Type or Print) LINDSEY (FIRST) MICHELLE (MIDDLE OR MAIDEN) HEBERT (LAST),

DL # H163533826030, state of FL, was placed under lawful arrest for

the offense of DUI by Officer L NALERIO and
(Name of Arresting Officer)

issued Citation # AE15BAE.

That on or about the TWENTY-SEVENTH day of October, 2023, at 3:39 AM

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.)

THOMASINA MILLER
Notary Public - State of Florida
Commission # HH 339641
My Comm. Expires Dec. 7, 2026
Bonded through National Notary Assn.

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 27th day of October, 2023, by Ofc. Nalerio who is personally known to me or who has produced LEO as identification.

Notary Public Thomasina Miller

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

TESTING FACILITY TASK REPORT

AGENCY: BBPD

SUBJECT: HEBERT, LINDSEY .M.

CASE NUMBER: 23-123173

DATE: Oct 27, 2023

VIDEO DVD NUMBER:

BEGINNING TIME: 03:36

ENDING TIME: 03:41

BREATH TESTS RESULTS: 1) R TIME 03:39 A.M. ☒ P.M. ☐ 2) TIME 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: T. MILLER #41017

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: PRONOUNCED

ATTITUDE: TALKATIVE

CLOTHING: RED SHIRT, BLUE JEANS, GREEN SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

REFUSED

OTHER:

NOT A CERTIFIED COPY

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 03:13 HRS.

SUBJECT: REFUSED TO TAKE TEST.

A/O: READ I/C (2X).
SUBJECT: STATED SHE UNDERSTOOD I/C AND REFUSED TO TAKE TEST.

A/O: READ RIGHTS.
SUBJECT: STATED SHE UNDERSTOOD RIGHTS.

A/O: ATTEMPTED Q & A.
SUBJECT: INVOKED HER RIGHTS TO COUNSEL.

REFUSED

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

PBSO CASE # 23-123173 PBSO ZONE 6-12

AGENCY CASE # 23-054048 CRASH CASE #

TIME OF STOP/CRASH 0226 DATE 10/27/23 DAY Friday

SUBJECT'S NAME Hebert, Lindsey, Michelle RACE W SEX F

HGT 5'2 WGT 100 DOB 3/23/1982

LOCATION 2000 N Federal Hwy, Boynton Beach, FL 33426

ARRESTING OFFICER'S NAME & ID Nalerio 982 AGENCY BBPD

DIVISION: Road Patrol

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 0313

BREATH RESULTS: Arrest Time 0240

1.
2.
3. REFUSED
4.

TESTING OFFICER'S ID 41017

NOT A CERTIFIED COPY

SUBJECT:_____ 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)_____

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)_____

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: _____

NOT A CERTIFIED COPY

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	☐			
	☐			
	☐			
	☐			

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2023028345	**Date:** 10/27/2023
	Specialist Name/ID#: Rebeca Castro/40259