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

0538203 23CT2853 mB

☐ Check if Supplement is Attached 3448

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	Agency Name	Agency Report Number
FL0 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	0 6 I-I 23-036046 ( )

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)	Location of Offense (Business Name, Address)
N State Road 7 Extension and 60th St N, Loxahatchee, FL 33411	N State Road 7 Extension and 60th St N, Loxahatchee, FL 33411

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
02/13/2023	0248					

DEFENDANT

Name (Last, First, Middle): Hennessey, Nancy, Caroline

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	1/17/1961	5'05	152	Haz	Blo	Light	Med

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

Marital Status: Married — Religion: CHRISTIAN — Indication of: Alcohol Influence ☒ Y ☐ N ☐ Unk; Drug Influence ☐ Y ☐ N ☒ Unk

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Mobile Phone	Residence Type
14231 83rd Ln N, Loxahatchee, FL 33470				(561) 509-4492	1. City 2. County 3. Florida 4. Out of State: 2

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

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

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
H520623615170, FL	[redacted]		Campton, NJ	US

CO-DEF

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

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 with Property Damage	01	☐ Y ☒ N	316.193(3C1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		23-036046		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
Refusal to Sign	01	☐ Y ☒ N	316.14(3)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		23-036046		

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 March Day 9 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

Refusal — Signature of Defendant (or Juvenile and Parent/Custodian) — Date Signed: 02/13/2023

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

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Intake Deputy I.D. # Pouch #

Signature of Arresting Officer X

Name of Arresting Officer (Print) Inv. C. Ward 16305 I.D. #

Transporting Officer Inv. C. Ward I.D. # 16305 Agency PBSO

Name Verification (Printed by Arrestee) (PRINT) SCANNED FEB 14 2023

Witness here if subject signed with an X

PAGE 1 OF 1

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PROBABLE CAUSE AFFIDAVIT

OBTS Number:

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

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 23-036046

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
HENNESSEY NANCY C		W	F	01/17/1961

CHARGES

D.U.I.	316.193(1)

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 he/she has just and reasonable 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 commit the below acts
- ☒ was found to have commited the below acts, resulting from my (described) investigation

On the 13 day of FEB 20 23 at 0201 ☒ 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 2/13/2023 AT 0201 HOURS, I ARRIVED ON A CAR ACCIDENT SCENE AT STATE ROAD 7 EXTENSION AND 60TH ST N AT THE ROUNDABOUT. AS I ARRIVED, I SAW A WHITE FORD TAURUS THAT HAD DRIVEN THROUGH THE GUARDRAIL AND WAS STUCK IN THE CHAINLINK FENCING. I COULD HEAR THE ENGINE STARTING UP AND REVING, THEN WOULD SHUTDOWN AGAIN. AS I APPROACHED THE VEHICLE, I OBSERVED A WHITE FEMALE IN THE DRIVER SEAT, IDENTIFIED BY HER FLORIDA LICENSE AS NANCY HENNESSEY. I ASKED HER IF SHE WAS OKAY AND WHAT HAPPENED. WITH VERY SLURRED SPEACH, NANCY RESPONDED TELLING ME THAT SHE WAS FINE AND SHE DOES NOT KNOW WHY ALL THE ENGINE LIGHTS ARE ON. I EXPLAINED TO HER THAT SHE WAS INVOLVED IN A CAR ACCIDENT. NANCY CONTINUED TO START HER CAR ATTEMPTING TO DRIVE. I AGAIN EXPLAINED TO HER THAT SHE WAS INVOLVED IN AN ACCIDENT AND THE VEHICLE WAS NOT DRIVEABLE. AFTER FIRE RESCUE ARRIVED AND ASSISTED HER FROM THE VEHICLE, SHE WAS ASKED WHERE SHE WAS COMING FROM. NANCY RESPONDED STATING "I WAS AT AN EAGLES CONCERT AND THEY LOST!"

I REQUESTED A DUI INVESTIGATOR. INV. WARD #16305 RESPONDED AND TOOK OVER THE INVESTIGATION.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH
D/S S. KELLERMAN (ID #) 18331
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13 day of FEB 20 23 by D/S S. KELLERMAN 18331
(Print name of Arresting/Investigative Officer) who is personally known to me and/or produced identification. Type of identification produced KNOWN INV. WARD #16305

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

PAGE 1 OF 1

PBSO #0004 REV. 04/22 DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY

SCANNED
FEB 14 2023

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias: 1

Juvenile: N

ADMIN

Agency ORI Number: FLO 5 0 0 0 0 0

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 23-036046

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
Hennessey, Nancy, Caroline		W	F	1/17/1961

CHARGES

Charge Description		Charge Description	
Driving Under the Influence with Property Damage	316.163(3C1)		
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 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 13 day of February 20 23 at 0155 ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)

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

I conducted the Standardized Field Sobriety Tasks (SFSTs) in front of my PBSO patrol vehicle using the in car video system with the following results. The area appeared Flat and even to the naked eyed, dark and lit by the lights on my patrol vehicle and clear of any large debris. It was cold and Not Windy. The area was dry.

Horizontal Gaze Nystagmus (HGN)

The defendant was placed with their feet together and hands down by their side. The defendant was instructed to await the completion of the instructions prior to beginning the task. The defendant acknowledged that they clearly understood my instructions. I then instructed the defendant on the task. The defendant stated that they clearly understood my instructions for the task. I placed my stimulus in front of the defendant and ask the defendant if they could see it to which he said "yes." I asked the defendant what color the stimulus was to which they answered. "red or yellow." Upon commencing the task the defendant moved their head side to side instead of following with their eyes only, and did not follow the stimulus as instructed. I had to reinstruct the defendant multiple times during the task to follow the stimulus with their eyes only. During the task, I observed that the defendant had equal pupil size and did not exhibit resting nystagmus. The defendant's eyes tracked equally. I observed a lack of smooth pursuit in both of the defendant's left and right eyes. I observed a distinct and sustained nystagmus, a quivering/jerking from side to side, while the stimulus was held at maximum deviation in both of the defendant's left and right eyes. I observed the onset of nystagmus with the stimulus held prior to 45 degrees in both of the defendant's left and right eyes.

I then checked the defendant for Vertical Gaze Nystagmus (VGN). I did not obseve a distinct and sustained nystagmus at maximum deviation in both of the defendant's left and right eyes.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13 day of February 20 23 by Inv. C. Ward

(Print name of Arresting/Investigative Officer), who is personally known to me [illegible] Known LEO

Shari O'Neal (#6212)
Notary Public, Clerk of Court, Officer (F.S.S). 117.10)

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

SCANNED

PAGE 1 OF 2

PBSO #0004 REV. 12/22

DISTRIBUTION: STATE ATTORNEY AGENCY JUDICIARY DEFENDANT (N.T.A.'s ONLY)

FEB 14 2023

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OBTS Number

PROBABLE CAUSE AFFIDAVIT

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

ADMIN

Agency ORI Number: FL0 5 0 0 0 0 0 | Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE | Agency Report Number: 23-036046

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
Hennessey, Nancy, Caroline		W	F	1/17/1961

CHARGES

Charge Description	Charge Description
Driving Under the Influence with Property Damage 316.163(3C1)	

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

On the 13 day of February 20 23 at 0155 ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

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

At this time I found probable cause to believe that the defendant was impaired for the purposes of operating and/or being in actual physical control of a motor vehicle pursuant to Florida State Statute 316.193(1a). I handcuffed the defendant to the rear. I checked the handcuffs for proper fit and double locked them. I then placed the defendant in the rear of my PBSO patrol vehicle.

I transported the Defendant to the Palm Beach County Jail Breath Alcohol Testing (B.A.T.) center.

Once at the Breath Alcohol Testing Center I placed the defendant in a centrally located position where they could be easily monitored. I observed the defendant for 20 uninterrupted minutes during which time they did not ingest anything and/or regurgitate. After the 20 minute observation period the defendant was escorted into and isolated testing room which was video recorded. Once inside the room I requested a lawful sample of the defendant's breath for the purposes of determining its blood alcohol consented. The defendant Consented to give a lawful sample of their breath. While being instructed on how to give the sample the defendant asked if she had to give the lawful sample. The defendant was then read implied consent from a pre-printed PBSO implied consent form. The defendant stated that she didn't understand the implied consent. I explained to the defendant that that if she refused she would have her license suspended for a year and it could be used against her in criminal court. The defendant stated that they understood and was again requested to give a lawful sample of their breath to which the defendant consented. The defendant gave two lawful samples of his breath resulting in a BAC of .145 and .140.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13 day of February 20 23 by Inv. C. Ward

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced I[illegible] Known LEO

Shari O'Neal (#6212)
Notary Public, Clerk of Court, Officer (F.S.S). 117.10)

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

SCANNED

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A. ONLY)

FEB 14 2023

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 13 DAY OF February 20 23, AT 0155 ✓ AM PM

SUBJECT: Hennessey, Nancy, Caroline CASE NUMBER: 23-036046

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. C. Ward 16305

PERSONAL CONTACT

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

At approximately 0205 hrs, I was called to the scene of a traffic collision with property damage at the intersection (roundabout) of N *State Road 7 Extension and 60th St N, in unincorporated Loxahatchee, Palm Beach County, Florida.*

I arrived at the scene at approximately 0223 hrs. My independent traffic collision investigation, based on physical evidence and Deputy statements, determined that, at approximately 0155 hours, the defendant failed to turn at the round about and instead drover through the center, continued north and struck a guardrail followed by driving through a fence coming to rest north of the round about. (See PBSO crash case #23-036941 for more detailed information about the crash).

D/S S. Kellerman # 18331 told me that the defendant had articulable indicators of impairment, so they called for a DUI unit to conduct a possible DUI investigation. (See the signed sworn PC supplement for more detail).

OBSERVATION OF DRIVER:

Upon my arrival the defendant was standing outside of her motor vehicle. I made contact with the defendant, later identified by their Florida Driver's License as,. I observed that the defendant had red, watery, bloodshot eyes. The defendant had slurred, slowed, lethargic, speech, and the odor of an unknown alcoholic beverage, based on my training and life experiences, that came from their breath which intensified as they spoke to me. The defendant swayed while standing. I identified myself to the defendant, explained to her that the crash investigation had been completed and that I was conducting a criminal investigation. The defendant was read her Miranda rights from a pre printed card which she stated that she understood. I asked the defendant if they had any medical problems or physical defect and she said no. I asked her if she had taken any medications and the defendant said she took an anti depressant. I asked her if she had taken any illegal drug s or smoked any marijuana and she stated that she had not. I asked how much they had had to drink. The defendant said, that she did not know how many glasses of alcohol she had. She then stated that she had four drinks of Tequila, cranberry and sprite with water in between

I asked the defendant to perform voluntary field sobriety tasks. The defendant consented.

I had the defendant walk to the front of my vehicle. The defendant swayed while walking.

DRIVER'S STATEMENTS:

Post miranda I asked the defendant what had occurred and she stated that she was coming back from a football party and she miscalculated the turn. I asked the defendant if they had any medical problems or physical defect and she said no. I asked her if she had taken any medications and the defendant said she took an anti depressant. I asked her if she had taken any illegal drug s or smoked any marijuana and she stated that she had not. I asked how much they had had to drink. The defendant said, that she had four drinks of Tequila, cranberry and sprite with water in between. She stated that she drank between 1830 and 2400 hours. She stated that she was not injured in the crash and that she did not believe that she hit her head in the crash. She stated that she was struck by the airbag. She stated that Palm Beach County Fire Rescue responded to the scene and told her she was fine. She was not transported.

ODORS:

I could smell the strong odor of an unknown alcoholic beverage, based on my training and life experinces, which came from the defendant and intensified as she spoke to me.

GENERAL OBSERVATIONS

SPEECH: **Slurred, slowed and lethargic**

ATTITUDE: **difficult**

CLOTHING: **Soiled and bloody eagles jersy, Blue Jeans, Black Boots.**

MEDICAL/OTHER: **I asked the defendant if they had any medical problems or physical defect and she said no. I asked her if she had taken any medications and the defendant said she took an anti depressant. I asked her if she had taken any illegal drug s or smoked any marijuana and she stated that she had not.**

NOT A CERTIFIED COPY

TATE OF FLORIDA
'OUNTY OF PALM BEACH

Inv. C. Ward 16305
ignature of Arresting/Investigative Officer)

ne foregoing instrument was sworn to or affirmed and subscribed before me this 13 day of February 20 23 by Inv. C. Ward 16305

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

Shari O'Neal (#6212)
otary Public, Clerk of Court, Officer (F.S.S 117.10)

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

SCANNED
FEB 14

SUBJECT: Hennessey, Nancy, Caroline **CASE NUMBER** 23-036046

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:
See Pc.

WALK & TURN:

I placed, with the assistance of another deputy, an approximately 2" wide piece of yellow on the ground. I asked the defendant if they knew their left from their right which they did. I asked the defendant if they could see the line and they stated that they did. I asked the defendant what color the line was and they stated yellow. I had the defendant place their left foot on the line with their right foot in front of the left, heel to toe. I instructed the defendant to remain in the position throughout my instructions and demonstration. The defendant was instructed not to start the task prior to me telling them to begin. The defendant acknowledged and stated they completely understood my instructions. The defendant was then instructed on the task which I also demonstrated. The defendant swayed during my instructions. The defendant came out of the stance prior to me telling them to begin. Once the defendant was told to begin the task they missed heel to toe, stepped off the line, used their arms for balance, made an improper turn, walked the incorrect number of steps, and slowed to balance/steady them self. The defendant swayed throughout completing the task.

ONE LEG STAND:

The defendant was instructed to stand with their feet together and their hands down by their side. They were then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood the instructions. The defendant swayed while in the instructional position. The defendant came out of the instructional position and/or started the task prior to being told to begin. After being told to begin the defendant put their foot down prior to being told to stop, used their arms for balance, and swayed. The defendant did not count in the manner instructed. The defendant look at their toe as instructed even after being instructed to do so. The defendant stated tha she could not balance. When asked why she stated that she broke her arm. When asked about it she stated that she broke the arm three years prior and it had already been repaired

FINGER TO NOSE:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood these instructions. The defendant swayed while in the instructional position. The defendant mimicked me by tilting their head back and/ raising their arms prior to being told to start. I instructed the defendant on the task and demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant proceeded to miss/search for the tip of their nose with the tip of their finger, started with the wrong hand, and did not bring their hand immediately bring back as instructed after numerous reminders to do so. The defendant did not keep their head tilted back and/or opened their eyes during the task. The defendant swayed throughout the task.

ROMBERG ALPHABET:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood these instructions. The defendant swayed while in the instructional position. The defendant mimicked me by tilting their head back prior to me telling them to begin. The defendant stated tha they knew their English alphabet from A to Z. I instructed her on the task and then demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant then proceeded to state their alphabet. The defendant did not keep their head tilted back during the task.

BREATH TEST RESULTS: .145 .140

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13 day of February 2023 by Inv. C. Ward 16305

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

Shari O'Neal (#6212)
(Notary Public, Clerk of Court, Officer (F.S.S 117.10)

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

NOT A CERTIFIED COPY

SCANNED

WITNESS LIST

CASE NUMBER: 23-036046

ARRESTING OFFICER: Inv. C. Ward 16305

ADDRESS: 3228 Gun Club Rd, West Palm Beach, FL

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

CAN TESTIFY TO: DUI investigaiton

NAME: D/S S. Kellerman 18335

ADDRESS: 3228 Gun Club Rd, West Palm Beach, FL

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

CAN TESTIFY TO: Crash Investigaiton

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: _____

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: _____

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: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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SCANNED
FEB 14

TESTING FACILITY TASK REPORT

AGENCY: PBSO INV. WARD #16305

SUBJECT: HENNESSEY, NANCY C.

CASE NUMBER: 23-036046

DATE: 02-13-23

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 03:42 HRS

ENDING TIME: 04:05 HRS

BREATH TESTS RESULTS: 1) .145 TIME 03:50 A.M. ☒ P.M. ☐ 2) .140 TIME 03:54 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: SLURRED

ATTITUDE: AGITATED, PROFANITY, SARCASTIC,EMOTIONAL, MOODSWINGS

CLOTHING: JERSEY- WHITE/ GREEN PRINT / BLOOD STAINS PANTS- BLUE JEANS/DISTRESSED

MEDICAL CONDITIONS: HEARING PROBLEMS/BLOOD PRESSURE/ANXIETY

MEDICATIONS: ANTI. DEPRESSANT, BLOOD PRESSURE MEDS.

OTHER:

EYES:VERY RED/GLASSY
ODOR OF UNKNOWN ALCOHOLIC BEVERAGE

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O WARD #16305

A/O REQUESTED THE BREATH TEST.
D SUBMITTED TO THE REQUEST.
D THEN STARTED ASKING QUESTIONS.
A/O READ THE IMPLIED CONSENT TO THE D.
D STILL SUBMITTED AFTER THE I/C WAS READ TO HER.
D COMPLETED THE TEST CORRECTLY.
C/W READ ON SCENE.
EXPALINED THE BREATH RESULTS TO THE D.
Q&A CONDUCTED.

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OBTAINED
FEB 14 2023

SUBJECT: [redacted] CASE NUMBER: [redacted]

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 [redacted] of the [redacted]

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) [redacted]

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) [redacted]

[redacted]

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

PBSO #0129BU REV 04/22

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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
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 23-036046 PBSO ZONE 15-31

AGENCY CASE # _____ CRASH CASE # 23-036041

TIME OF STOP/CRASH 0155 DATE 02/13/2023 DAY Monday

SUBJECT'S NAME Hennessey, Nancy, Caroline RACE W SEX F

HGT 5'05 WGT 152 DOB 1/17/1961

LOCATION N State Road 7 Extension and 60th St N, Loxahatchee, FL 33411

ARRESTING OFFICER'S NAME & ID Inv. C. Ward 16305 () AGENCY Palm Beach County Sheriff's Office

DIVISION: DUI-CID

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 0319

ARREST TIME 0248

BREATH RESULTS:

.145

.140

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # 1

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CERTIFIED
FEB 16 2023

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: 2023004125	**Date:** 2/14/2023
	Specialist Name/ID: T.Howard/7185