0542047 23CT12982 2850

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
FLO ORI NUMBER	Riviera Beach Police Department	AG- 23-05363

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized / Type: 2 (1. Yes 2. No) | Multiple Clearance Indicator: 3

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
901 45TH ST, WEST PALM BEACH, FL 33407	148 E 22ND ST, RIVIERA BEACH, FL 33404

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle TOW COMPANY NAME
07/21/2023	19:00					

DEFENDANT

Name (Last, First, Middle): CLARK, NICHOLAS, CHARLES — Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	10/06/1982	5'11	200	BLUE	BROWN	FAIR	MED

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): NONE

Marital Status: Married | Religion: CATHOLIC | Indication of: Alcohol Influence Y ☑ N ☐ Unk. ☐; Drug Influence Y ☐ N ☐ Unk. ☑

Local Address (Street, Apt. Number) (City) (State) (Zip): 11059 81 CT N, PALM BEACH GARDENS, FL 33412 | Phone: (561) 842-4995 | Residence Type: (1. City 2. County 3. Florida 4. Out of State): 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 11059 81 CT N, PALM BEACH GARDENS, FL 33412 | Phone | Address Source: DEFENDANT

Business Address (Name, Street) (City) (State) (Zip) | Phone | Occupation: entrepreneur

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
C462-623-82-366-0 Florida	[redacted]		WEST PALM BEACH, FL	US

CO-DEF

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

JUVENILE

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

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

Notified by: (Name) | Date | Time | Juvenile Disposition: 1. Handled/ processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated

Released To: (Name) | Relationship | Date | Time

The above address provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 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. Barbiturate C. Cocaine E. Heroin | H. Hallucinogen M. Marijuana O. Opium/Deriv. | P. Paraphernalia/ Equipment S. Synthetics | U. Unknown Z. Other

CHARGE 1

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI - REFUSAL TO SUBMIT TO BAL TESTING	1	☐Y ☒N	316.1939 (1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N	N/A	23-05363		OR

CHARGE 2

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI - DAMAGE TO PROPERTY	1	☐Y ☐N	316.193 (3) (c) (1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N	N/A	23-05363		OR

CHARGE 3

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
LEAVING ACCIDENT WITH PROPERTY DAMAGE	1	☐Y ☐N	316.061 (1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N	N/A	23-05363		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

NOTICE TO APPEAR

Location (Court, Room Number, Address): NORTH COUNTY COURT HOUSE, 3188 PGA BLVD, PALM BEACH GARDENS, FL

Court Date and Time: Month AUGUST Day 23 Year 2023 Time 0830 AM X PM

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

X _____ 07/21/2023

Signature of Defendant (or Juvenile and Parent /Custodian) — Date Signed

ADMIN

HOLD for other Agency Name: | Signature of Arresting Officer X | Name Verification (Printed by Arrestee) (PRINT)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other | Name of Arresting Officer (Print): K. Torres I.D. #: 6107

Intake Deputy I.D. # Pouch # | Transporting Officer: K. Torres ID #: 6107 Agency: RBPD | Witness here if subject signed with an -X" | PAGE 1 OF 1

SCANNED 7-22-2023

DISTRIBUTION: WHITE - COURT COPY | GREEN - STATE ATTORNEY | YELLOW - AGENCY | PINK - AGENCY | GOLD - DEFENDANT (N.T.A.'s ONLY)

NOT A CERTIFIED COPY

D.U.I. PROBABLE CAUSE AFFIDAVIT

On the 21 day of JULY 2023 at 17:12 ☐ AM ☑ PM

Subject: CLARK, NICHOLAS, CHARLES Case Number: 23-05363

Agency: *Riviera Beach Police Department* Arresting Officer: K. Torres 6107

PERSONAL CONTACT

DRIVING PATTERN: (Actual Physical Control; Physical Evidence or Statements Putting Defendant Behind Wheel of Vehicle)

On July 2023, at approximately 5:12 pm, Riviera Beach Police received an emergency call in reference to a hit-and-run accident. The caller reported to have witnessed a black F150 driving south on Broadway before making a left turn in an east direction. The caller reported the black F150 crashed into the driver's side of a black Jeep Cherokee. The caller reported the black F150 fled the accident to a Marina where a young 7-year-old girl was taken from the vehicle. The caller reported the black F150 then reversed and proceeded to leave again. The caller reported the black F150 pulled into a nearby parking lot where the driver exited and soon attempted to reenter the vehicle to flee again. The caller reported he had physically detained the driver until the arrival of medics. Upon my arrival, I, Officer Torres observed a white male later identified by Florida Driver License (C462-623-82-366-0) as Nicholas Clark. I, Officer Torres also observed a dark blue Ford Super Duty Platinum pickup truck bearing Forida Tag# 81AYBK on scene with damage to the front driver-side panel.

OBSERVATION OF DRIVER:

Upon my arrival to Saint Mary's Medical Center, I observed Nicholas Clark with injuries to his head area with a neck brace. Upon speaking with Nicholas Clark, I observed both his eyes dilated with his left eye jerking side to side involuntary and not aligned with his right eye. Subsequently due to the accident, Nicholas Clark also had stitches around his left eye brow and cheek.

DRIVER STATEMENTS:

When I asked Nicholas Clark prior to the accident where was he, Clark stated, "I was dropping off my daughter". When I asked Clark where was he prior to dropping off his daughter, Clark stated, "I don't recall". When I asked Clark where was he after dropping off his daughter, Clark stated, "I don't recall". When I asked Clark was involved in an accident, Clark stated, "I need a lawyer" and that he didn't want to talk to law enforcement. When I informed Clark that the accident investigation was done and that a DUI investigation had began, Clark refused to talk. When I asked Clark if he would submit to a BREATH, URINE or BLOOD test, Clark stated, "NO". When I read Clark the State of Florida Implied Consent Warnings to refusing to submit BREATH, URINE or BLOOD, Clark repeatedly stated he did not understand. After reading Clark his warnings a second time with a refusal, Clark was informed to be arrested. While in contact, Clark informed medical staff that his incident was a vehicle accident which he was the driver and had been drinking.

ODORS: ~~None~~ unknown Alcoholic Beverage (KT) #6107

GENERAL OBSERVATIONS

SPEECH: Normal

ATTITUDE: uncooperative

CLOTHING: normal

MEDICAL/OTHER: none observed

STATE OF FLORIDA
COUNTY OF PALM BEACH

SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 21 day of July 2023 by K. Torres 6107 who is ☒ personally known to me or ☐ produced _____.

Notary Public, Clerk of Court, Officer (FSS 117.10)

Notary Public State of Florida
Renee Ragin
My Commission GG 966419
Expires 03/05/2024

STAMP

NOT A CERTIFIED COPY

D.U.I. PROBABLE CAUSE AFFIDAVIT Cont.

Subject: CLARK, NICHOLAS, CHARLES Case Number: 23-05363

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LEFT EYE	*RIGHT EYE*
☐ Lack of Smooth Pursuit	☐ Lack of Smooth Pursuit
☐ Distinct & Sust. Nystag. at Max. Deviation	☐ Distinct & Sust. Nystag. at Max. Deviation
☐ Onset of Nystagmus Prior to 45 Degrees	☐ Onset of Nystagmus Prior to 45 Degrees

Other Observations:

N/A - NOT PERFORMED DUE TO HEAD INJURY

Walk and Turn

N/A - NOT PERFORMED DUE TO HEAD INJURY

One Leg Stand

N/A - NOT PERFORMED DUE TO HEAD INJURY

Rhomberg

N/A - NOT PERFORMED DUE TO HEAD INJURY

Finger to Nose

N/A - NOT PERFORMED DUE TO HEAD INJURY

BREATH RESULTS: 1) _____ @ _____ **2)** _____ @ _____ **3)** _____ @ _____ **4)** _____ @ _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

_____
SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 21 day of July 20 23 by K. Torres 6107 who is ☑ personally known to me or ☐ produced _____.

_____
Notary Public, Clerk of Court, Officer (FSS 117.10)

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

STAMP

NOT A CERTIFIED COPY

DUI WITNESS LIST

23-05363

Arresting Officer: K. Torres 6107 Email: ktorres@rbpublicsafety.org
Agency Address: 600 West Blue Heron Blvd., Riviera Beach, FL Phone: (561) 845-4123
Can Testify To: observation, statement

Backup Officers: J. Summers
Agency Address: 600 West Blue Heron Blvd., Riviera Beach, FL Phone: (561) 845-4123
Can Testify To: _____

Crash Investigator: _____ Email: _____
Agency Address: _____ Phone: _____

Breathalyzer Technician: _____ ID: _____ Agency: _____

DRE: _____ ID# _____ Agency Case #: _____
Agency Address: _____ Phone: _____ Email: _____

Name: Jonathan Riley Applewhite Involvement: Reporting Person
Address: 7722 Nemec Dr S, Lake Clarke Shores, FL 33406 Phone: (301) 661-6693
Can Testify To: Defendant in Driver Seat ☑ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

NOT A CERTIFIED COPY

Riviera Beach Police Department **23-05363**

BAT OFFICER NOTE SHEET

Date of Incident: 07/21/2023 Time of Stop/Crash: 17:12 Location of Incident: 148 E 22ND ST, RIVIERA BEACH, FL 33404

Date of Arrest: 07/21/2023 Time of Arrest: 19:00 Location of Arrest: 901 45TH ST, WEST PALM BEACH, FL 33407

Subject's Name: CLARK, NICHOLAS, CHARLES DOB: 10/06/1982 Phone: (561) 842-4995

Address: 11059 81 CT N, PALM BEACH GARDENS, FL 33412

Hair: BROWN Eye: BLUE Race: W Sex: M Height: 5'11 Weight: 200

☐ Requested Bathroom ☐ Drank Water ☐ Observation Restarted at _____hrs.

Speech	Demeanor	Attitude	
O T	O T	O T	O T
☐ ☐ Accent	☐ ☐ Belching	☐ ☐ Abusive Language	☐ ☐ Insulting
☐ ☐ Confusing	☐ ☐ Blank Stare	☐ ☐ Belligerent	☐ ☐ Mood Swings
☐ ☐ Drooling	☐ ☐ Body Tremors	☐ ☐ Carefree	☐ ☐ Paranoia
☐ ☐ Incoherent	☐ ☐ Crying	☐ ☐ Cocky	☐ ☐ Polite
☐ ☐ Low	☐ ☐ Dry Mouth	☐ ☐ Combative	☐ ☐ Relaxed
☐ ☐ Mumbled	☐ ☐ Excessive Spitting	☐ ☐ Confused	☐ ☐ Restless
☐ ☐ Normal	☐ ☐ Eyelid Tremors	☐ ☐ Cooperative	☐ ☐ Sarcastic
☐ ☐ Not Understandable	☐ ☐ Fighting	☐ ☐ Dazed	☐ ☐ Sleepy
☐ ☐ Raspy	☐ ☐ Grinding Teeth	☐ ☐ Emotional	☐ ☐ Talkative
☐ ☐ Slurred	☐ ☐ Hiccupping	☐ ☐ Excited	☐ ☐ Tense
☐ ☐ Stuttering	☐ ☐ Laughing	☐ ☐ Fighting	☐ ☐ Uncooperative
	☐ ☐ Urination	☐ ☐ Flirtatious	
	☐ ☐ Vomiting	☐ ☐ Indifferent	

Notable Statements:

Requested Breath at _____hrs.
I/C Read at _____hrs.
Breath Sample 1 _____ at _____hrs.
Breath Sample 2 _____ at _____hrs.
Refusal at _____hrs.
☐Unable to Perform/Follow Instructions
☐Sucking Air
☐Inadequate Breath Sample

Requested Urine at _____hrs.
I/C Read at _____hrs.
Refused/Provided at _____hrs.
☐Unable to Perform DRE ☐ Y ☐N

Miranda Read at _____hrs.
☐Q&A Conducted
☐ Refused ☐ Invoked

Notable Statements:

NOT A CERTIFIED COPY

Riviera Beach Police Department

DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: _____ PBSO Zone: _____

Agency Case #: 23-05363 Crash Case #: _____

Incident Information:

Time of Stop/Crash: 17:12 Date of Incident: 07/21/2023 Day: Friday

Location of Incident: 148 E 22ND ST, RIVIERA BEACH, FL 33404

Arrest Information:

Time of Arrest: 19:00 Date of Arrest: 07/21/2023 Day: Friday

Location of Arrest: 901 45TH ST, WEST PALM BEACH, FL 33407

Subject's Name: (L) CLARK, (F) NICHOLAS, (M) CHARLES

DOB: 10/06/1982 Race: W Sex: M Height: 5'11 Weight: 200

Arresting Officer's Name: K. Torres ID#: 6107

Agency: RBPD Division: Patrol

ARRIVED PAST/OVER 3 hrs — OFF. TORRES #6107

Breath Results

1) _____ at _____ hrs.
2) _____ at _____ hrs.
3) _____ at _____ hrs.
4) _____ at _____ hrs.

---BAT Use---

BAT Notified: _____

Arrival Time at BAT: _____

Subject Arrest Time: 19:00

Breath Test Operator: _____

NOT A CERTIFIED COPY

STATE OF FLORIDA
IMPLIED CONSENT WARNINGS

NOT APPLICABLE WITH VOLUNTARY CONSENT

[redacted]

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.

Will you take the test?

NOTE: *READ ONLY IF THE ANSWER TO THE ABOVE IS "NO"*

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 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 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 still refuse to submit to this test?

NOTE: *If the subject possesses a CDL endorsement, read the following, regardless of whether the subject is operating a commercial vehicle*

In addition, if you are a CDL holder, or were driving a CMV, your refusal to submit to testing will result in the loss of your commercial driving privileges for one year from today. If this is your second refusal, you will be permanently disqualified from operating a commercial motor vehicle.

Do you still refuse to submit to this test?

NOT A CERTIFIED COPY

[redacted] Funded by FDOT

Revised: 01/23/19

STATE OF FLORIDA
IMPLIED CONSENT WARNINGS

NOT APPLICABLE WITH VOLUNTARY CONSENT

[redacted]

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

Will you take the test?

NOTE: *READ ONLY IF THE ANSWER TO THE ABOVE IS "NO"*

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 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 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 still refuse to submit to this test?

NOTE: *If the subject possesses a CDL endorsement, read the following, regardless of whether the subject is operating a commercial vehicle*

In addition, if you are a CDL holder, or were driving a CMV, your refusal to submit to testing will result in the loss of your commercial driving privileges for one year from today. If this is your second refusal, you will be permanently disqualified from operating a commercial motor vehicle.

Do you still refuse to submit to this test?

NOT A CERTIFIED COPY

Funded by FDOT

Revised: 01/23/19

STATE OF FLORIDA
IMPLIED CONSENT WARNINGS

NOT APPLICABLE WITH VOLUNTARY CONSENT

[redacted]

I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and/or the presence of chemical or controlled substances.

Will you take the test?

NOTE: *READ ONLY IF THE ANSWER TO THE ABOVE IS "NO"*

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 for refusing to submit to a lawful test of your breath, urine, or blood. Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

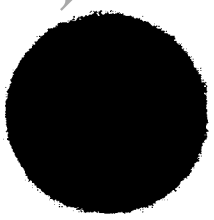
Do you still refuse to submit to this test?

NOTE: *If the subject possesses a CDL endorsement, read the following, regardless of whether the subject is operating a commercial vehicle*

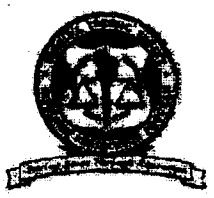
In addition, if you are a CDL holder, or were driving a CMV, your refusal to submit to testing will result in the loss of your commercial driving privileges for one year from today. If this is your second refusal, you will be permanently disqualified from operating a commercial motor vehicle.

Do you still refuse to submit to this test?

NOT A CERTIFIED COPY









23-05363

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

I, K. Torres , a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

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

or affirm that on or about the 21 day of JULY , 20 23 , at 19:00 ☑ P.M ☐ A.M.

DRIVER NICHOLAS CHARLES CLARK ,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# C462-623-82-366-0 , state of Florida , was placed under lawful arrest for

the offense of DUI - REFUSAL TO SUBMIT TO BAL TESTING by K. Torres and
(Name of Arresting Officer)

issued Citation # AHYPDYE .

That on or about the 21 day of JULY , 20 23 , at 19:00 ☐ P.M ☑ A.M.

in PALM BEACH County,

I requested that the driver submit to a X **breath and/or** X **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 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 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 CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege 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.

Signature of Law Enforcement Officer or Correctional Officer

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

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 21 day of July , 20 23 ,

by K. Torres ,

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.

HSMV-BAR1001 (REV. 10/2016)

NOT A CERTIFIED COPY

23-05363

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BLOOD TEST

I, K. Torres, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

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

or affirm that on or about the 21 day of JULY, 20 23, at 19:00 ☑ P.M. ☐ A.M.

DRIVER NICHOLAS CHARLES CLARK.
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# C462-623-82-366-0, state of Florida, appeared for treatment at a hospital, clinic, or other medical facility pursuant to s. 316.1932(I)(c), Florida Statutes, and a breath or urine test was impossible or impractical.

That on or about the 21 day of JULY, 20 23, at 19:00 ☐P.M. ☑A.M.
in PALM BEACH County,

I requested that the driver submit to a **blood test** to determine his or her blood alcohol level and/or the presence of chemical or controlled substances in his or her blood. I informed the driver that refusal to submit to a blood test would result in the suspension of his or her driving privilege for a period of one (l) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that if he or she holds a CDL, or was operating a CMV, refusal would result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she had been previously disqualified as a result of a refusal to submit to a breath, urine or blood test. The driver nonetheless refused to submit to a blood test.

Signature of Law Enforcement Officer or Correctional Officer

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

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 21 day of July, 20 23, by K. Torres, who is personally known to me or who has produced _____ as identification

Notary Public _____

HSMV-BAR1002 (REV. 10/16)

The foregoing instrument was sworn and subscribed before me:

_____
Signature of Attesting Officer

Title _____

Date _____

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

NOT A CERTIFIED COPY

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	☐	FL CONNSTITUTION ARTICLE 1,16(b)	Other: MARSY'S LAW	
	☐		Other:	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2023019022	**Date:** 7/22/2023
	Specialist Name/ID: Pinkneya/7796