**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 9/17/2023 10:33:40 AM ****

23-15168MU10A-MS

Broward County Sheriff's Office



Booking Report

CIS #	**572302201**	BCCN #	**967062**	Booking Sheet Control Date and Time	
OBTS	609269952	Print Clearance	09/16/23 04 06 59 Prints Yes	**09/16/23 07 23 11**	
Arrest #	FL 2302201	Offense Report #	342309184051	Agency	FORT LAUDERDALE
Last Name First Middle	**DEVAN, NICHOLE LEIGH**			SSN #	[redacted]

Race	Sex	Height	Weight	Eyes	Hair	Comp	Age Admitted	DOB	Place of Birth	State	FDLE
W	F	509	170	BRO	BLN	FAR	51	4/19/1972	KILEEN	TEXAS	0

Permanent Address	3305 PINEWALK DR N Apt# 105 MARGATE FL 33063	Months of Residence	36
Arrest Date	09/16/23 02 07 00	Place of Arrest	NE 22ND AVE & IMPERIAL DR
Arresting Officer	1817 CARTER		
Inmate Logged Date	09/16/23 03 13 02	Inmate Log Type	FULL INTAKE
Place Admitted	MAIN		

Intake Comments SP/CO/29/54-18036 WC-15415

Alias Last name, First, Middle, DOB

Warrants Officer Id bs15415

Scars,Marks,Tattoos

Tattoos Arm, upper right SUN

Release Date/Time	Release Reason	Release Authorized By

Charge No	Charge Initiation Date	Statute	Warrant/Capias	Level	M C	B Type	Bond Amount
1	09/16/23 07 15	316 193-2a2a		4M	Y	HOLD FOR MAG	$0 00

Charges DUI ALCOHOL OR DRUGS 1ST OFFENSE **Comments**

Booking Off ID bs11012 **County** **Judge**

* End of Report *

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2023 SEP 17 PM 2:01
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342309184051-1

2023 SEP 16 AM 8:15

Primary Officer CARTER, JAMES (1817)

Shift/Unit DUI Unit

PROBABLE CAUSE AFFIDAVIT

23-02201					
Devan		Nichole		Leigh	
WHITE	FEMALE	5' 8"	170	BLOND	BROWN
	51	04/19/1972			
3305 Pinewalk Dr N, Margate, FL, 33063, USA					

NE 22nd Ave & Imperial Point Dr, Fort Lauderdale, FL, 33308, USA	09/16/2023	02 07
	CARTER, JAMES (1817)	

316 193-2A2A - DUI ALCOHOL OR DRUGS 1ST OFFENSE - MIS

Misdemeanor		

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Probable Cause Statement

This incident was captured on my department issued Axon body camera and In Car camera under listed case number

Body camera and In Car camera may or may not capture all of the incident described in this report or show all results as observed by Officer James Carter #1817

Arrival Time 0148 hours |Arrest 0207 hours |Implied Consent 0210 hours

On September 16, 2023, at or about 0207 hours at 2200 Imperial Point Drive which is located within the jurisdictional limits of the City of Fort Lauderdale, within Broward County and the State of Florida, the above named defendant did commit the violation of Driving Under the Influence of alcoholic beverage (Florida State Statue 316 193) Nicholes Devan did, then and unlawfully drive, or was in actual physical control of a motor vehicle, to-wit Black Ford F150 bearing Florida tag GDZV83 while he was under the influence of an alcoholic beverage to the extent that her normal faculties were impaired or has a breath alcohol level of 0 08 or more grams of alcohol per 210 liters of breath

On 09/16/2023, I was driving north in the area of 5700 N Federal Hwy when I noticed the listed Ford F150 weaving within its lane As the vehicle approached the left turn the vehicle was traveling a little too fast and almost struck the center median The vehicle continued to make a wide left turn and almost went into the grass on the right side before over correcting and striking the curb on the left side of the road At that time I activated my red/blue emergency lights to conduct a traffic stop on the vehicle Once my lights were on the vehicle was slow to stop and I had to use my sirens to get the vehicle to stop

The vehicle eventually stopped at N E 22nd Avenue and Imperial Point Drive and I made contact with the driver and sole occupant, Devan I was able to identify Devan by her Florida Driver's License I asked Devan if she was ok and she said yes While speaking with Devan I could smell the odor of an alcoholic beverage coming from her breath/person, her eyes were slightly red/watery, her speech was slurred, and her movements were slow I asked Devan where she was coming from, and she said the east I asked for clarification, and she said the Village Pub I asked how much she had to drink, and she said 1 Jack and Coke"

I asked Devan to step out of the vehicle so I could speak with her and she complied At that time I noticed that she was slightly unsteady on her feet

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SP/CO/29/54 18036 wc 15415

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I explained that I was conducting a criminal D U I Investigation and I asked Devan if she would submit to a series of field sobriety exercises, which she agreed to perform I asked Devan the following questions prior to starting the field sobriety exercises

Are you sick or injured? No

Are you diabetic or epileptic? No

Do you take insulin? No

Are you under the care of a doctor or dentist? No

Are you taking any medications? No

Do you have a physical handicap or any physical alignments? No

Do you wear glasses or contacts? Hard contacts

Field Sobriety Exercise – Horizontal Gaze Nystagmus

The first exercise performed was the horizontal gaze nystagmus which was completed using a red pen light stimulus The directions of the exercise were explained to Devan I asked Devan if she understood the directions of the exercise which she acknowledged she did I checked the eyes for equal pupil size, resting nystagmus, and equal tracking The exercise was performed starting with the subjects left eye and I observed the following clues in the left and right eye,

☒Lack of smooth

☒Distinct and sustained nystagmus at maximum deviation

☒Onset of nystagmus prior to 45 degrees

Total clues observed 6 / 6

Observations Devan was swaying and had vertical nystagmus present

Field Sobriety Exercise – Walk and Turn

The second exercise performed was a divided attention exercise, which was the walk and turn The walk and turn was performed using an actual line on a flat level dry surface free of debris The directions of the exercise were explained and demonstrated to Devan at which time I asked Devan if she understood Devan responded 'yes" I instructed Devan to begin the exercise The following clues were observed,

☒Can't Keep balance while listening to instructions

☒Starts too soon

☒Stops walking to steady self

☒Misses heel-to toe

☒Steps off the line

☒Uses arms for balance, raising them over six inches

☒Incorrect number of steps

Total Clues observed 7 / 8

Observations Devan was unable to get into the proper starting position and she never turned and took the 9 return steps Devan was wearing a wedge style shoe, so I gave her the option to take her shoes off if she wanted to and she eventually did Devan had to use me to help balance when taking her shoes off

Field Sobriety Exercise – One Leg Stand

The third exercise performed was a divided attention exercise, which was the one leg stand The directions of the exercise were explained to Devan at which time I asked her if she understood Devan responded "yes" Devan was instructed to being the exercise at which time she lifted her ------ foot I observed the following clues,

☒Puts foot down

Total Clues observed 1 / 4

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Observations Devan was unable to keep her foot up at all without putting it down Devan stopped the exercise well before being instructed to

Field Sobriety Exercise – Finger to Nose

The fourth exercise performed was the finger to nose The directions of the exercise were explained and demonstrated to Devan, I asked Devan if she understood the directions of the exercise which she responded "yes" The exercise was performed using the sequence left right, left, right, right, left Devan performed the exercise, which I observed the following clues,

-REFUSED/ UNABLE TO PERFORM

Total clues observed

Observations Devan made no attempt to touch her nose

Based on my observations Devan normal faculties are impaired by an alcoholic, controlled or chemical substance Devan was placed into Custody at 0207 hours I advised Devan that she was under arrest for driving under the influence of alcohol, and/ or a chemical substance, and or a controlled substance I requested Devan submit to a breath test to determine the alcohol content of her breath and she refused, so I read Florida's Implied Consent Law

I transported Devan to the Broward Sheriff's Office Main Jail where she was booked and charged, without incident The vehicle was towed by West Way Towing to West Way Towing's facility

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated therein are true and correct to the best of my knowledge and belief

Electronically Signed Officer James Carter #1817 Date 9/16/23

Under penalties of perjury I declare that I have read the foregoing [document] and that the facts stated in it are true and correct to the best of my knowledge and belief

[illegible] 1817	[illegible] CARTER, JAMES (1817)	[illegible] DUI

STATE OF FLORIDA COUNTY OF BROWARD

Sworn and subscribed before me the undersigned authority this the 16 day of September 2023 DEPUTY OF THE COURT NOTARY OR LAW ENFORCEMENT

[illegible]	[illegible] GUZMAN, VICTOR (1965)

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