2023 MM 6961 ANS

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

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATIVE

OBTS Number:

Agency ORI Number: FLO 5 0 2 6 0 0

Agency Name: PALM BEACH GARDENS POLICE DEPARTMENT

Agency Report Number: 78 - 23004249

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:

Location of Arrest (Including Name of Business): ALT A1A/HOOD RD, PALM BEACH GARDENS, FL, 33410

Location of Offense (Business Name, Address): 13500-BLOCK ALT A1A, PALM BEACH GARDENS, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
08/23/2023	00:29					KAUFF'S TOWING AND RECOVERY 4701 EAST AVENUE, WPB, FL 33407

DEFENDANT

Name (Last, First, Middle): NEINER, NORMA, GABRIELA

Alias (Name, DOB, Soc. Sec. #, Etc.):

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	F	03/05/1980	5'8	125	BRO	BRO	LGT	MED

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description):

Marital Status: SINGLE

Religion: NOT STATED

Indication of: Alcohol Influence ☐ Y ☐ N ☑ Unk; Drug Influence ☑ Y ☐ N ☐ Unk

Local Address (Street, Apt. Number) (City) (State) (Zip): 12665 WOODMILL DR, PALM BEACH GARDENS, 33418

Phone: (561) 294-9295

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

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 12665 WOODMILL DR, PALM BEACH GARDENS, 33418

Phone:

Address Source: VERBAL

Business Address (Name, Street) (City) (State) (Zip):

Phone:

Occupation:

D/L Number, State: N560627805850 FL

Soc. Sec. Number: [redacted]

INS Number:

Place of Birth (City, State): BUENAS AIRES, ARGENTINA

Citizenship: 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): (1) OR

Residence Phone:

Address (Street, Apt. Number) (City) (State) (Zip): (2) OR

Business Phone:

Notified by: (Name) (3) OR | Date | Time

Juvenile Disposition: 1. Handled/ processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated

Released To: (Name) (4) OR | 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 T. Traffic B. Buy D. Deliver E. Use R. Smuggle 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

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant I Capias Number	Bond
DRIVING UNDER THE INFLUENCE	1	☐Y ☒N	316.193(1)(A)		N	N				O R
OBSTRUCT OFFICER WITHOUT VIOLENCE	1	☐Y ☒N	843.02							
POSSESSION OF CANNABIS UNDER 20 GR	1	☐Y ☒N	893.13(6)(B)		P	M	.1GR			
DRUG PARAPHERNALIA	1	☐Y ☒N	893.147(1)		P	P				

NOTICE TO APPEAR

Location (Court, Room Number, Address): NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700

Court Date and Time: Month SEPT Day 27 Year 2023 Time 1000 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

Signature of Defendant (or Juvenile and Parent /Custodian) | Date Signed: 08/23/2023

FILED PBC - GUN CLUB-- '23 AUG 23 AM 6:24

ADMIN

HOLD for other Agency Name:

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Intake Deputy I.D. # Pouch #

Signature of Arresting Officer: X

Name of Arresting Officer (Print) I.D. #: A. FLINK 514

Transporting Officer ID # Agency: OFC. FLINK 514 PBGPD

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signs with an X

SCANNED AUG 23 2023

PAGE 1 OF 1

0542317

NOT A CERTIFIED COPY

PROBABLE CAUSE AFFIDAVIT

ADMIN

OBTS Number:

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

JUVENILE:

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 23-004249

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
NEINER, NORMA GABRIELA	NEINER, NORMA | NEINER,	W	F	03/05/1980

CHARGES

Charge Description	Charge Description
316.193(1)(A) DUI - NORMAL FACULTIES IMPAIRED	843.02 OBSTRUCT OFFICER W/O VIOLENCE
893.13(6)(B) POSSESS MARIJUANA UNDER 20GR	893.147(1) POSSESS DRUG PARAPHERNALIA

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 he/she has just and resonable 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 committ the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 23 day of August, 2023 at 00:02 (Specifically include facts constituting cause for arrest.)

On 08/23/2023 at approximately 0002 hours, this Officer was conducting traffic enforcement in the area of the 13500-block of Alt A1A, PBG, FL, when this Officer observed a vehicle traveling at an increased rate of speed south bound in the middle through lane. Body worn camera and in car video were used.

The vehicle, a BMW 328i (KPRQ71/FL) was visually estimated by this Officer to be traveling approximately 70 MPH in a posted 50 MPH zone. Using RADAR Stalker DSR2X (DB001317), front antenna (KC086606), this Officer received a steady doppler tone and reading of 69 MPH. The RADAR calibration was last checked on 05/24/2023 and was due on 11/24/2023. Prior to this tour of duty on this date, this Officer ensured the RADAR was in working order, to confirm the accuracy of the unit. At the end of this tour of duty, this Officer did the same. This Officer received RADAR/LIDAR certification on 05/31/2008, in Cannon AFB, NM. This Officer entered the same lane as the vehicle in an attempt to close the distance.

This Officer observed the vehicle drifting within its lane, before coming close to another vehicle in the outside through lane before ultimately passing same. The vehicle then continued in the outside through lane with its right blinker flashing for an extended time. This Officer initiated a traffic stop on same just north of Hood Rd. This Officer made contact with the driver and sole occupant, identified via Florida Driver License photo, Norma Neiner (OF), while she was still in actual physical control of same. Neiner had red glassy eyes, slurred speech and a very strong odor of perfume emanating from her person. Neiner also spoke and moved very quickly during the initial interaction while looking for her paperwork. Neiner said she was coming from 1000 North and denied consuming alcohol, narcotics and/or Cannabis on this night.

This Officer expressed concern to Neiner about her possibly being under the influence and asked her to exit the vehicle to which she refused. Neiner refused multiple

NOT A CERTIFIED COPY

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER, S.A. 117/49

08/23/2023
DATE

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Jun 20, 2027
Bonded through National Notary Assn.

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

FLINK, ANDREW S (514)
NAME OF OFFICER (PLEASE PRINT)

08/23/2023
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS

SCANNED
AUG 23 2023

ADMIN

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	1	JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 23-004249

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
NEINER, NORMA GABRIELA	NEINER, NORMA | NEINER,	W	F	03/05/1980

PROBABLE CAUSE STATEMENT

commands to exit the vehicle, before eventually exiting on her own without Officers using force.

Once out of the vehicle, this Officer attempted to explain the situation to Neiner to which she became argumentative and talked over this Officer. Neiner then indicated she needed a Spanish translator, despite seeming ability to speak with and understand this Officer. JPD Ofc Tappin 1212 arrived to assist with translation. Neiner again refused to participate in Standardized Field Sobriety Exercises and was advised of her Taylor Warnings, with assistance of Ofc Tappin. Neiner told Ofc Tappin she understood the Taylor Warnings and again refused the exercises. Neiner was placed under arrest at 0029 hours and immediately said she did not know she was going to be arrested despite being told a couple seconds prior she would be arrested if she refused exercises.

During a tow inventory of the vehicle, Ofc Badolati 552 located a wooden box under the driver seat, accessible only from the front, which contained a glass bowl smoking device with a burnt green substance. The substance had the distinct odor of Cannabis and later field tested positive as same. It should be noted, Neiner is not a patient in the Medical Marijuana Use Registry. The substance and device were seized by Ofc Hennessy 409 and booked into evidence.

At PBSO BAT this Officer conducted a 20 minute observation period of Neiner with no anomalies. This Officer requested Neiner provide a breath sample for the purpose of determining its alcohol content, to which she refused. This Officer read Florida Implied Consent to Neiner to which she acknowledged and refused at 0124 hours.

Based on the results of the investigation, this Officer has probable cause to charge Norma Neiner with driving under the influence, in violation of FSS 316.193(1)(A). Neiner also obstructed Officers by refusing lawful commands to exit her vehicle, in violation of FSS 843.02. Neiner was also in possession of a banned substance and equipment used with same, in violation of FSS 893.13(6)(B) and 893.147(1) respectively.

NOT A CERTIFIED COPY

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

08/23/2023
DATE

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Jun 20, 2027
Bonded through National Notary Assn.

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

FLINK, ANDREW S (514)
NAME OF OFFICER (PLEASE PRINT)

08/23/2023
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED
AUG 23 2023

23004249

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, A. FLINK, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of PALM BEACH GARDENS POLICE DEPARTMENT, and I do swear
(Name of Law Enforcement Agency)

or affirm that on or about the 23RD day of AUGUST, 20 23, at 00:29 ☐P.M. ☑A.M.

DRIVER NORMA GABRIELA NEINER,
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL # N560627805850, state of FL, was placed under lawful arrest for

the offense of DRIVING UNDER THE INFLUENCE by A. FLINK and
(Name of Arresting Officer)

issued citation # AHU7SZE.

That on or about the 23RD day of AUGUST, 20 23, at 0124 ☐P.M. ☑A.M.

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 Correctional Officer

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

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Jun 20, 2027
Bonded through National Notary Assn.
(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 23RD day of AUGUST, 20 23, by A. FLINK, 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 08/23/2023

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

EFFECTIVE OCTOBER 1, 2021

SCANNED
AUG 23 2023

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

SCANNED
AUG 23 2023

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

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

SCANNED
AUG 23 2023

PALM BEACH GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 23-102442 PBSO Zone: 3-13

Agency Case #: 23004249 Crash Case #: _____

Incident Information:

Time of Stop/Crash: 0005 Date of Incident: 08/23/2023 Day: WEDNESDAY

Location of Incident: 13500-BLOCK ALT A1A, PALM BEACH GARDENS, FL, 33410

Arrest Information:

Time of Arrest: 00:29 Date of Arrest: 08/23/2023 Day: WEDNESDAY

Location of Arrest: ALT A1A/HOOD RD, PALM BEACH GARDENS, FL, 33410

Subject's Name: (L) NEINER, (F) NORMA, (M) GABRIELA

DOB: 03/05/1980 Race: W Sex: F Height: 5'8 Weight: 125 Hair BRO Eye BRO

Address: 12665 WOODMILL DR, PALM BCH GDNS, 33418 Phone: (561) 294-9295

Arresting Officer's Name: A. FLINK ID#: 514

Agency: PBGPD Division: TRAFFIC UNIT ☐ **Marcy's Law CVI** FL. Const. Art. 1 § 16(b)

Breath Results

REFUSED

1) _____ at 0124 hrs.
2) _____ at _____ hrs.
3) _____ at _____ hrs.
4) _____ at _____ hrs.

---BAT Use---

BAT Notified:	YES
Arrival Time at BAT:	0059
Subject Arrest Time:	00:29

Breath Test Operator: LEAHEY 19183
PBSO

NOT A CERTIFIED COPY

SCANNED
AUG 23 2023

TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: Neiner, Norma G

CASE NUMBER: 23-102442

DATE: Aug 23, 2023

VIDEO DVD NUMBER: n/a

BEGINNING TIME: 0121

ENDING TIME: 0125

BREATH TESTS RESULTS: 1) R TIME 0124 A.M. ☒ P.M. ☐ 2) n/a TIME 0 A.M. ☐ P.M. ☐

3) R TIME 0813 A.M. ☒ P.M. ☐ 4) n/a TIME 0 A.M. ☐ P.M. ☐

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: thick

ATTITUDE: compliant

CLOTHING: lt blue dress, tan shoes

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER:

eyes were glassy & bloodshot

COMMENTS:

arrived at center A/O conducted 20 observation period at 0059 hrs

subject refused to perform breath test

A/O read I/C & A/O explained & subject understood I/C

subject refused to perform breath test

A/O called refusal @ 0124

A/O read rights & subject understood rights

A/O did not conduct Q&A

NOT A CERTIFIED COPY

SCANNED
AUG 23 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	☐	119.0712(2)	Other: Personal information contained in a motor vehicle record	
	☐	316.650(b)	Other: Driver information contained in a uniform traffic citation	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2023022027	**Date:** 8/23/2023
	Specialist Name/ID: M. Tooks #8557

SCANNED
AUG 23 2023