50-2024-CT-006128ASB

045 26169

Arrest Report

2609

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/7/2024 03:06 AM	FHP99ARR884812	FHP24ON0174013 / RCC24IN0263913	DESUYO, AISON

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	04/06/2024 22:40:36 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	WOOLBRIGHT RD EB		BOYNTON BEACH	FL	33435

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
PETER	ALEXANDER	BENNETT		WHITE	MALE	507	175	BLK	BRO

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	01/04/1982	42	E	B530661820040	FL	

Place of Birth:	BOYNTON BEACH FL U.S

Address
* RESIDENCE / 139 SW 24TH AVE , BOYNTON BEACH, FL 33435 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
4/6/2024 11:05:00 PM	RESIDENCE	

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	WOOLBRIGHT RD EB		PALM BEACH	BOYNTON BEACH	FL	33435

Charge :

Counts	Charge	Bond Amount	
1	316.193.1a	$0.00	☐ No Bond

Charge Degree	Charge Level
S	MISDEMEANOR

General Offense Code	Arrest Offense Code
	DUI-UNLAW BLD ALCH

Charge Description
DUI INFLUENCE OF ALCOHOL OR DRUGS

Administrative Code - Description
-

[redacted]	No. #
Type of Arrest	On-View Arrest (apprehension without a warrant or previous incident report)

Bonilla 18342

APR 7 AM 3:59

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FILED PBC - GUN CLUB
'24 APR 7 AM 7:17

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4/7/2024 03:06 AM	FHP99ARR884812	FHP24ON0174013 / RCC24IN0263913	DESUYO, AISON
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OBTS Number	Other Number	Clearance	

Charge :

Counts	Charge	Bond Amount	
1	316.192.1a	$0.00	☐ No Bond

Charge Degree	Charge Level
S	MISDEMEANOR
General Offense Code	Arrest Offense Code
	MOVING TRAFFIC VIOL
Charge Description	
RECKLESS DRIVING 1ST OFF	
Administrative Code - Description	
-	
Is Arrestee Juvenile?	No
Type of Arrest	On-View Arrest (apprehension without a warrant or previous incident report)

Bond Set by Court

Bond Amount	
	☐ No Bond
Bond Type(s)	

Probable Cause

On Saturday, April 6th, 2024 at approximately 10:45 P.M. I (Trooper Aison Desuyo ID#5157) was patrolling southbound Interstate 95 (State Road 9) south of County Road 812 (Lantana Rd). As I was on routine patrol, Trooper Jonathan Zimmerman (ID #5061) requested the Lake Worth Regional Communication Center (LWRCC) to have an additional unit be in route to his location at southbound Seacrest Blvd just south of County Rd 792 (Woolbright Rd). At this time, the LWRCC dispatched me to assist Trooper Zimmerman.

I arrived at the scene with Trooper Zimmerman at 10:50 P.M. at which point Trooper Zimmerman stated the following to me:

"On Saturday April 6th, 2024 at approximately 10:35pm I was conducting routine patrol in my fully marked Florida Highway Patrol vehicle (FHP00544/VIN:2C3CDXAT2KH552993). I was traveling northbound on Interstate 95 (State Road 9) in lane #2 when I observed a black high-end sedan in lane #4 traveling at a very high rate of speed while weaving in and out of lanes. At one point, the black sedan banked left, however quickly correct and maneuvered back right in order to pass another vehicle. While doing this the black sedan almost lost control. I had to travel at speeds upwards of 115 to 120mph in a marked 65mph zone in order to catch up to the vehicle just after it exited eastbound onto Woolbright Road. As it was making the right turn, I observed that it was a black Porsche. I continued to exit off northbound Interstate 95 on to Woolbright Road to intercept the black Porsche and observed it stopped in traffic in the outside lane.

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Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	04/06/2024 22:40:36 -	

OBTS Number	Other Number	Clearance

The black Porsche was stopped in traffic in the outside right turn lane to turn south on to S Seacrest Boulevard. I positioned my patrol vehicle directly behind it and retrieved the attached Florida license plate #UTD3D. The black portion continued straight when the light turned green and made the right turn onto S Seacrest Blvd. where he came to a controlled stop in the outside lane just south of Woolbright Road. I exited my patrol vehicle and approached the black Porsche on the driver's side and began speaking to the driver. Immediately I could smell an unknown alcoholic substance emanated from within his vehicle, his eyes were also glassy. I advised the driver to turn off and exit his vehicle and walk to the rear where I could further speak with him. Once there, I asked him routine questions such as where he was coming from and where he was going, why he was driving in the manner that he was and if he had anything to drink. He stated that he was coming from a comedy show and that he was going home. He further stated that he had about 3 beers and stated that he should not have been driving the way he was. He stated that he should have stayed home, that he could just walk home, and that he knew he should not be driving because of alcohol.
I advised the driver to return to his vehicle while I returned to mine in order verify information at hand and to wait for an assisting Trooper. A few moments later Trooper Desuyo (Badge #5157) arrived on scene to assist in conducting a DUI investigation.
This concludes my involvement in the incident."

After speaking with Trooper Zimmerman, I then made contact with the driver (who was later identified by his Florida Driver's License as Mr. Peter Alexander Bennett DOB 01/04/1982). Upon speaking with Mr. Bennett I noticed his eyes were glassy and watery. As I spoke with Mr. Bennett, I detected an odor of an unknown alcoholic beverage emitting from his breath. I then asked Mr. Bennett where he was coming from. He stated from Boca Raton at a comedy show. I asked Mr. Bennett where he was going. He stated home. I asked Mr. Bennett if he had any alcoholic beverages tonight. He stated he had three beers over a time period of three hours. I then asked Mr. Bennett when his last alcoholic beverage was. He stated approximately 20 to 30 minutes ago. I asked Mr. Bennett if he would be willing to perform the voluntary Standardized Field Sobriety Exercises (SFSE's). He stated he would perform the SFSE's.

Each exercise was explained and demonstrated prior to the defendant performing.

The following exercises and were conducted with the corresponding clues of impairment listed below:

The following exercise were conducted:
Horizontal Gaze Nystagmus (HGN) (Blue stimulus light pen used)

- Equal size pupil observed in both eyes
- Equal tracking with both eyes
- Lack of Smooth Pursuit observed in both eyes
- I observed distinct and sustained nystagmus at maximum deviation in both eyes

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- On set prior to 45 degree

Walk and Turn Exercise (A yellow line was utilized during the exercise in a level surface free from any debris).

- Failed to stay in starting position
- Stops walking to steady himself
- Misses heel-to-toe
- Stepped off the line
- Improper turn

One Leg Stand (A watch was used to count the 30 seconds.) Right leg raised

- Sways
- Puts foot down
- Uses arms for Balance

Based on the evidenced collected though my investigation and the totality of the circumstances, I determined that there was probable cause to believe that Mr. Bennett committed the offense of driving under the influence and by being in actual physical control of the vehicle while under the influence of alcohol, and or any chemical substance, and or any controlled substance while his normal faculties were impaired.

The defendant was placed under arrest for DUI at 11:05 P.M. He was then placed into an FHP marked patrol. The defendant was then transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility, a 20-minute observation period was conducted by me where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). Mr. Bennett was then asked to provide a breath sample to determine the alcohol content. Mr. Bennett refused. Florida Implied Consent was read. Mr. Bennett still refused.

Mr. Bennett was then booked into the Palm Beach County Jail without further incident and charged with the following:

Violation of F.S.S 316.193.1.C - DUI Influence of Alcohol or Drugs

Violation of F.S.S 316.192.1.A – Reckless Driving

All the above events occurred within Palm Beach County, State of Florida.

The incident was recorded with my In-Car Camera (FHP1130) and Trooper Zimmerman's In-Car Camera (FHP0544) which will be made available upon request.

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Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
4/7/2024 04:00 AM	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

Booking Facility Location	Booking Number
3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406	

Booking Comments

Court

Court County	Court Location
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	05/07/2024 830A	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency / Org/Unit
DESUYO, AISON TPR 5157	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LWRCC\PALM BEACH\BROW LN TO SR804

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name	Office Rank	Officer ID No
DESUYO, AISON	TPR	5157

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature

Sworn and subscribed before me, the undersigned authority
This the _____ day of _____, _____
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

○ No Bill / Petition ○ Issue Warrant ○ Prosecution Approved

Signature of Assistant State Attorney Date

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

PBSO CASE # 24-050710 PBSO ZONE 6-51

AGENCY CASE # FHP24ONC47613 CRASH CASE #

TIME OF STOP/CRASH 22:40 DATE 4/6/24 DAY Saturday

SUBJECT'S NAME Peter Alexander Bennett RACE W SEX M

HGT 5'07 WGT 175 DOB 1/4/82

LOCATION EB Woolbright Rd WOF Seacrest Blvd

ARRESTING OFFICER'S NAME & ID TPR. Jason Desuvo #515 AGENCY FHP

DIVISION:

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 23:36

BREATH RESULTS:

Arrest Time 23:05

1.
2. ~~REFUSED~~
3.
4.

TESTING OFFICER'S ID 41017

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SUBJECT: Bennett Peter A 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. 6.51

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) Read on Camera

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) Read on Camera

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

SUBJECT: Bennett, Peter T. 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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STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, **DESUYO, AISON** (Name of Officer reading Implied Consent Warning), a duly certified Law Enforcement or Correctional Officer, am a member of **FLORIDA HIGHWAY PATROL** (Name of Law Enforcement Agency), and I do swear or affirm that on or about the 6th day of April, 2024, at 11:05 ☑ P.M. ☐ A.M.

DRIVER **PETER** (FIRST NAME) **ALEXANDER** (MIDDLE OR MAIDEN NAME) **BENNETT** (LAST NAME),

DL# **B530661820040**, state of **FL**, was placed under lawful arrest for the offense of **316.193(1) D.U.I - ALCOHOL OR DRUGS (MISDEMEANOR)** by **DESUYO, AISON** (Name of Arresting Officer) and issued Citation # **A77GQCE**.

That on or about the 7th day of April, 20 24, at 12:09 ☐ P.M. ☑ A.M. in Palm Beach County,

I requested that the driver submit to a ☐ **breath and/or** ☐ **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, 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. Additionally, I informed the driver that if he or she holds a Commercial Driver's License (CDL), or was operating a commercial motor vehicle, refusal will result in the disqualification of the CDL 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.

Aison DeSuyo

Signature of Law Enforcement Officer or Correctional Officer

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

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this _____ day of _____, 20 _____,

_____

who is personally known to me or who has produced

_____ as identification.

Notary Public _____

Must be delivered 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. 05/2021)

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TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: BENNETT, PETER . A.

CASE NUMBER: 24-050710

DATE: Apr 6, 2024

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 00:06

ENDING TIME: 00:11

BREATH TESTS RESULTS: 1) R TIME 00:09 A.M. ☒ P.M. ☐ 2) N/A TIME N/A A.M. ☐ P.M. ☐

3) N/A TIME N/A A.M. ☐ P.M. ☐ 4) N/A TIME N/A A.M. ☐ P.M. ☐

BREATH OPERATOR: T. MILLER #41017

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM

CLOTHING: BLACK SHIRT, BLUE JEANS, BLUE SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

REFUSED

OTHER:

EYES: RED & GLASSY

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 23:36 HRS.

SUBJECT:REFUSED TO TAKE TEST.

A/O: READ I/C.
SUBJECT: ACKNOWLEDGE HE UNDERSTOOD I/C AND REFUSED TO TAKE TEST.

A/O: READ RIGHTS.
SUBJECT: ACKNOWLEDGE HE UNDERSTOOD RIGHTS.

NO Q & A CONDUCTED.

REFUSED

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Palm Beach County Sheriff's Office

Florida State Statute Exemption Sheet

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(4)(c)	Undercover personnel	
	☐	119.071(2)(e)	Confession	
Public Info. Exemptions	☐	FL Const. Art. I, s. 16(b)(5)	Marsy's Law – victim information shall be redacted. The term "victim" also includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim. The term "victim" does not include the accused (ref. page 99 of the CRTM for additional information)	
	☐	119.071(2)(j)	Home/employment telephone number, home/employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence	
	☐	119.0712(2)	Personal information contained in a motor vehicle record	
	☐	316.650(11)	Driver information contained in a uniform traffic citation	
	☐	119.071(4)(d)2.a.	Home addresses, telephone numbers, dates of birth, and photographs of active/former LE personnel, spouses, and children	
Florida Rules of Judicial Administration 2.420	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers	2
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses	
	☐			
	☐			
Other	☐			
	☐			
	☐			
	☐			

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REVIEW COMPLETED BY

Booking Number: 2024009272	**Date:** 4/7/2024
	Specialist Name/ID#: J. Gaines/ 44177