Arrest Report

C483693 1571
23CT7994SB

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

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
5/3/2023 01:03 AM	FHP99ARR869559	FHP23ON0230436 / RCC23IN0348666	FANEGO, DAVID

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	05/03/2023 00:14:42 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	NB SR9 NOF GATEWAY BLVD

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
			BOYNTON BEACH	FL	33426

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
RICHARD	GEARL	GORE		WHITE	MALE	509	168	BRO	BRO

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	05/10/1983	39	E	G600747831700	FL	

Place of Birth:	WEST PALM BEACH FL UNITED STATES

Address
* RESIDENCE / 16648 90TH TRL N , JUPITER, FL 33478 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
5/3/2023 12:41:09 AM	PUBLIC PLACE	FHP LANTANA SUBSTATION

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
1299	W LANTANA RD		PALM BEACH	LANTANA	FL	33462

Charge : S

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

Charge Degree	Charge Level
S	MISDEMEANOR
General Offense Code	Arrest Offense Code
	DUI-UNLAW BLD ALCH

Charge Description
DUI BREATH ALCOHOL 0.08 OR MORE PER 210 L

Administrative Code - Description
-

Bond Set by Court

Bond Amount	
	☐ No Bond

Bond Type(s)

NOT A CERTIFIED COPY

FILED PBC - GUN CLUB
'23 MAY 3 AM6:54

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
5/3/2023 01:03 AM	FHP99ARR869559	FHP23ON0230436 / RCC23IN0348666	FANEGO, DAVID

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	05/03/2023 00:14:42 -	

OBTS Number	Other Number	Clearance

Probable Cause

On May 3rd, 2023, at 12:05AM I was on routine patrol on Interstate 95 (State Road 9) north of Woolbright Road when I spotted a black SUV traveling at a high rate of speed in lane 2. I maneuvered my marked patrol vehicle with painted insignias behind the vehicle and initiated my pace. The driver was traveling 92MPH in a 65MPH zone. I then maneuvered my patrol vehicle directly behind the SUV and activated my emergency lights and sirens. The driver pulled over to the left shoulder. I exited my patrol vehicle and approached the vehicle from the driver side. Upon speaking with the driver, later positively identified as Richard Gearl Gore Florida DL: G-600-747-83-170-0, I detected the strong odor of an unknown alcoholic beverage and observed glossy and bloodshot eyes. I returned to my marked patrol vehicle and ran Mr. Gore's information. After returning and speaking with Mr. Gore, I asked if he would agree to perform Field Sobriety Exercises, Mr. Gore stated that he would. When Mr. Gore exited his vehicle, I observed him lose balance and use the concrete barrier wall to keep his balance.

The first exercise I asked Mr. Gore to perform was the horizontal gaze nystagmus exercise. This was performed initially on the road side prior to moving to the Florida Highway Patrol (FHP) Lantana Substation. I instructed Mr. Gore to stand with his feet together (heels and toes), to keep his hands down to his sides, and to keep his head still and to follow the tip of my finger using his eyes only. Mr. Gore stated he understood. The following was observed:
-No resting nystagmus.
-Orbital sway throughout the exercise.
-Equal tracking in both eyes.
-Moved head multiple times throughout exercise and had to be told multiple times to stop moving his head.
-Lack of smooth pursuit in both eyes.
-Distinct and Sustained Nystagmus in both eyes at Maximum Deviation.
-Onset of Nystagmus prior to 45 degrees in his right eye.
-No Vertical Gaze Nystagmus.

The following exercise was the Walk and turn. This was done in the level and well-lit area of the FHP Lantana Substation. I asked Mr. Gore if he could easily see the white parking line we would be using, he stated that he could see the line. I explained to Mr. Gore that he was to put his left foot on the line and place his right foot in front of it, with his right heel touching his left toes, and to keep his hands down to his sides. I demonstrated the exercise and then advised Mr. Gore to maintain that position and to not start until told to do so. Mr. Gore stated he understood my instructions. I told Mr. Gore that when told to begin he was to take nine heel-to-toe steps down the line, and on his ninth step, he was to take a series of small steps to turn around. He was then to return back down the line while taking nine heel-to-toe steps. I then informed his that while walking, he was to watch his feet at all times, keep his arms down to his sides and count his steps out loud. Mr. Gore was told that once he began, he was not to stop until the exercise was completed. Mr. Gore stated he understood my instructions. The following was observed:

NOT A CERTIFIED COPY

-Could not maintain starting position while listening to instructions.
-Lost balance 3 times and used arms throughout the exercise.
-Stated he couldn't do the exercise and stopped.
-Didn't count out loud.
-Reset himself and began steps again.
-On the second set of nine steps, Mr. Gore continued to step 13 and then began another 9 steps back again.

The following exercise was the One Leg Stand. I demonstrated to Mr. Gore that he was to stand with his feet together and with his arms down at his sides. Mr. Gore was told not to begin until told to do so. Mr. Gore stated he understood the instructions. I then told Mr. Gore that when told to begin, he was to raise either leg of his choice approximately 6 inches off the ground. He was then to keep his foot parallel to the ground, keep both legs straight and to look at his raised foot. I advised Mr. Gore that while holding that position, he was to count out loud by thousands until told to stop. Mr. Gore stated he understood my instructions. The following was observed:

-Did not maintain starting position.
-Lost balance while being given instructions.
-Put his foot down five times.
-Started with his right leg, then stated that his other leg was better mid-exercise and switched to raising his left leg instead.
-Hopped on right foot.
-Achieved 8 thousand before being told to stop.

Based on my observations and the totality of the circumstances, I determined that Mr. Gore had his normal faculties impaired and placed him under arrest at 12:41AM for Driving Under the Influence (DUI). We arrived at the Palm Beach County Jail at approximately 12:50AM and a 20-minute observation period began at 12:55AM. During his 20-minute observation period, I verified that he did not take anything by mouth or regurgitate. At approximately 01:20AM, Mr. Gore agreed to give the breath samples. At 01:22AM, Mr. Gore gave his first breath sample which was a .225. At 01:25AM, Mr. Gore's second breath sample yielded the result of .229.

Mr. Gore was placed under arrest by myself (Trooper Fanego) in Palm Beach County, Florida, where I am a sworn law enforcement officer.

Mr. Gore is being charged with DUI. His vehicle was driven from the Lantana Substation by his wife. At approximately 4AM, Mr. Gore was transferred into the custody of the Palm Beach County Jail personnel.

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

NOT A CERTIFIED COPY

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
5/3/2023 01:03 AM	FHP99ARR869559	FHP23ON0230436 / RCC23IN0348666	FANEGO, DAVID

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	05/03/2023 00:14:42 -	

OBTS Number	Other Number	Clearance

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
5/3/2023 03:13 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	05/30/2023 8:30AM	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency / Org/Unit
FANEGO, DAVID TPR 4996	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
FANEGO, DAVID	TPR	4996

Officer Agency: FLORIDA HIGHWAY PATROL

Officer Signature: D Fanego

Sworn and subscribed before me, the undersigned authority

This the 03 day of May, 2023

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

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

S. O'Neal

○ No Bill / Petition ○ Issue Warrant ○ Prosecution Approved

Signature of Assistant State Attorney Date

NOT A CERTIFIED COPY

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

PBSO CASE # 23-063865 PBSO ZONE 6-12

AGENCY CASE # FHP23ONO230436 CRASH CASE # _____

TIME OF STOP/CRASH ~~01~~ 00:10 DATE 5-3-23 DAY Wednesday

SUBJECT'S NAME Gore (LAST) Richard (FIRST) Geard (MID) RACE White SEX Male

HGT 509 WGT 168 DOB 5-10-1983

LOCATION NB SR9 NOF Gateway Blvd E/S

ARRESTING OFFICER'S NAME & ID Fargo 4996 David AGENCY FHP

DIVISION: _____

NOTIFIED BY COMMO ✓

ARRIVAL AT FACILITY 00:55

ARREST TIME 00:41

BREATH RESULTS:

1). 225
2). 229
3)
4)

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # N/A

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FHP-L TRP. FANEGO #4996

SUBJECT: GORE, RICHARD

CASE NUMBER: 23-063865

DATE: 05-03-23

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 01:17 HRS

ENDING TIME: 01:37 HRS

BREATH TESTS RESULTS: 1) .225 TIME 01:22 A.M. ☒ P.M. ☐ 2) .229 TIME 01:25 A.M. ☒ P.M. ☐

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

BREATH OPERATOR: S. O'NEAL #6212SCO

MAINTENANCE TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: PRONOUNCED

ATTITUDE: CALM, COOPERATIVE, TALKATIVE

CLOTHING: SHIRT- PEACH PANTS- KHAKI

MEDICAL CONDITIONS: ALLERGIC TO PENICILLIN, ALLERGIES ON CAMERA, SCOLIOSIS ON CAMERA

MEDICATIONS: NONE

OTHER:

EYES: RED, GLASSY
ODOR OF UNKNOWN ACOHOLIC BEVERAGE

COMMENTS:

20 MIN. OBSERVATION CONDUCTED BY A/O FANEGO #4996

A/O REQUESTED THE BREATH TEST.
D SUBMITTED TO THE BREATH REQUEST.
D COMPLETED THE TEST CORRECTLY.
EXPLAINED THE BREATH RESULTS TO THE D.
C/W READ ON CAMERA TO THE D.
Q&A CONDUCTED.

NOT A CERTIFIED COPY

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006240 Software: 8100.27
Date of Test: 05/03/2023

Date of Last Agency Inspection: 04/14/2023
Observation Period Began: 00:55
Subject's Name: RICHARD G GORE DOB: 05/10/1983 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	01:20
Air Blank	0.000	01:21
Control Test	0.081	01:21
Air Blank	0.000	01:21
Subject Sample #1	0.225	01:22
Air Blank	0.000	01:23
Air Blank	0.000	01:24
Subject Sample #2	0.229	01:25
Air Blank	0.000	01:26
Control Test	0.080	01:26
Air Blank	0.000	01:26
Diagnostics Check	OK	01:26

Cylinder Lot: 08622080A1
Exp: 06/05/2024

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I SHARI L O'NEAL, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: S. O'Neal Date: 05-03-23
Signature

Sworn to (or affirmed) before me this 03 day of May, 2023

David Fanega — Trp. Fanega #4996
Signature of Notary Public-State of Florida — Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

NOT A CERTIFIED COPY

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

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

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:	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2023011479	**Date:** 5/3/2023
	Specialist Name/ID: Chantel Daniels/30347