50-2023-CT-002775AMB

05538183

964

☐ Marsy's Law invoked - CVI present

ARREST / NOTICE TO APPEAR

O. On-View 3. Request for Warrant S. Summons T. Taken into Custody

O JUVENILE ☐

ADMINISTRATION

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
	0500800	West Palm Beach Police Department	9 4 2023-0002645

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

If Weapon Seized — Enter Type: UNARMED

Multiple Clearance Indicator

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
300-BLK CLEMATIS ST, WPB, FL 33401	300 CLEMATIS ST BLK, WEST PALM BEACH, FL 33401

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
02/12/2023	03:49	02/12/2023	03:59			

DEFENDANT

Name (Last, First, Middle): FELIX, RUTH — Alias (Name, DOB, Soc. Sec. #, Etc.): Alias:

Race (W - White, B - Black, I - American Indian, A - Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	F	10/02/1972	5'06	165	BROWN	BROWN		Medium

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description) | Marital Status | Religion | Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. Drug Influence

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Home Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
534 PARKWAY CT, GREENACRES, FL 33413				(347) 345-6429	2

Permanent Address (Street, Apt. Number)	(City)	(State)	(Zip)	Mobile Phone	Address Source
534 PARKWAY CT, GREENACRES, FL 33413					VERBAL

Business Address (Name, Street)	(City)	(State)	(Zip)	Work Phone	Occupation

D/L Number, State	INS Number	Place of Birth (City, State)	Citizenship
F420760728620 / FL	[redacted]	BOGOTA, Columbia	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 ☐ Other: ☐ Legal Custodian — 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 Department and Released 2. TOT JAC 3. Incarcerated

Released To: (Name)	Relationship	Date	Time

The above address was provided by ☐ defendant and/or ☐ defendant's parents.
The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.
☐ Yes, by: ☐ No:

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. Disperses/ 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. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #
DUI-DAMAGE TO PERSON/PROPERTY	316.193(3C1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	☐ Y ☒ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant — Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries — Explain:

Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

PROPERTY - Received By	Released By	Released To

Transported By	Date Transported	Time Transported	Other

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): Criminal Justice — CRIMINAL JUSTICE COMPLEX
Court Date and Time: 03/23/2023 08:30:00 — 3228 GUN CLUB ROAD

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 COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

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

I CONSENT TO RECEIVE REMINDERS OF COURT DATE(S) AND TIMES FOR THIS CASE BY TEXT MESSAGE TO THE NUMBER IDENTIFIED HERE.
I UNDERSTAND THAT STANDARD TEXT MESSAGE RATES MAY APPLY
AND THAT I MAY REVOKE THIS CONSENT VIA THE TEXT MESSAGE SYSTEM IF I CHOOSE.
(347) 345-6429 — INITIAL

No Photo Available

ADMIN

HOLD for Other Agency

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Signature of Arresting Officer: [signature] #2148

Name of Arresting Officer (Print): CHARLES, JAMESLOO — I.D. #: 02148

Name Verification (Printed by Arrestee) (PRINT)

Inside Deputy: Bonville — I.D. #: 12342 — Pouch #

Transporting Officer: N. Caceres — I.D. #: 2269 — Agency: WPBPD

Witness here if subject signed with an "X".

PAGE 1 OF 1

CACERES 2269

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DUI PROBABLE CAUSE AFFIDAVIT

On the 12th Day of February, 2023 at 0349 A.M. P.M.

Subject: Felix, Ruth Case Number: 2023-0002645

Agency: West Palm Beach Police Department Arresting Officer: J. Charles #2148

Personal Contact

Driving Pattern Actual physical control (physical evidence putting the driver behind the wheel)

On Sunday, February 12, 2023, at approximately 0255 hours, while in the 300-Blk of Clematis St, a 2013 Gray Chevy Malibu bearing FL tag TWHRT was honking the horn while traveling westbound on Clematis St approaching S Dixie Hwy. The vehicle stopped for the red light as I approached and made contact with the occupants. The occupants advised their vehicle was parked and struck by a white vehicle ahead of them. I made contact with the suspect vehicle, later identified as a 2014 White Honda Civic bearing FL tag Z797EV. The vehicle was also stopped for the red light, traveling westbound.

The driver of the vehicle took slightly longer to respond to me knocking on the window in order to verify if they were involved in the crash. The Honda began to roll forward slowly, prompting me to order the driver to stop pursuant to my crash investigation. The driver proceeded to slow roll towards S Dixie Hwy, despite multiple verbal commands given. Det. Tomas pulled alongside the vehicle in his unmarked police vehicle using his red/blue interior lights and also ordered the driver to stop. The driver stopped the vehicle. The driver of the vehicle was identified as Ruth Felix (H/F 10/02/1972).

During the crash investigation, Felix would fall asleep while in her vehicle. Felix would also go back and forth stating she was involved in an accident and that she also was not involved in an accident. There was visible paint transfer on both vehicles, matching the other vehicle.

Observation of Driver

Felix's eyes were glossy, and there was a slight slur to her speech. Upon completing the crash investigation, Felix was asked to step out of the vehicle and speak to me. Felix was observed stumbling as she walked, and swaying as she stood. The longer I spoke to Felix, the stronger I was able to smell the strong odor of an unknown alcoholic beverage.

Drivers Statements:

Post Miranda, Felix admitted to driving her vehicle westbound. Felix stated she thinks she heard something, as if she possibly struck something. Felix advised she had three drinks (rum and coke) between 9pm and 11pm. Felix stated she believed the time was around 11pm. The actual time was approximately 0330 am.

Odors:

Strong odor of an unknown alcoholic beverage that got stronger the longer I spent talking to Felix.

General Observations

Speech: slurred

Attitude: cooperative

Clothing: pink blouse, black pants, pink heels

Medical Problems/Medications: none

Other:

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DUI PROBABLE CAUSE AFFIDAVIT

Subject: Felix, Ruth **Case Number:** 2023-0002645

Roadside Tasks

Horizontal Gaze Nystagmus

- [x] Left Eye Does Not Follow Smoothly
- [x] Left Eye Jerks at 45 Degree Angle or Less
- [x] Distinct Jerking Left Eye at Maximum Deviation
- [x] Right Eye Does Not Follow Smoothly
- [x] Right Eye Jerks at 45 Degree Angle or Less
- [x] Distinct Jerking Right Eye at Maximum Deviation

The driver was instructed to stand with her feet together with her arms at her sides. She was then asked if she could identify the color of the stimulus I placed in front of her eyes; in which she advised it was gray/black (which was correct). She was reminded to track the stimulus with her eyes only. She failed to keep her head still while tracking the stimulus. I observed the driver saying during the instructional and practical portion of this exercise.

Walk and Turn Task

The driver was asked to place her let foot on the line with her right foot directly in front of it with her heel touching her toe, then place her arms at her sides and stay in this position while I demonstrated this task. I observed the driver swaying during the instructional portion of this exercise. She could not maintain her balance while listening to the instructions and stepped out of the stance during the demonstration to catch her balance multiple times, having needed to be reminded to get into the starting position. She started the task before being instructed. On the first set of heel to toe steps she missed heel-to-toe on all steps, taking a total of 11 steps. She performed the turn other than the way it was demonstrated. On the second set of heel to toe steps she again missed all heel-to-toe steps. The driver used her arms for balance during the exercise.

One Leg Stand

I had the driver stand with her feet together and hands down at her side as I explained the exercise. I explained and demonstrated the exercise and she stated she understood the instructions. When told to begin, the driver lifted her right foot off the ground. She used her arms for balance and failed to count aloud. She put her foot down at 8 seconds, and at 13 seconds, put her right foot down, and then raised her left foot. She would continue to put her left foot down at 19 seconds and lifted her right foot. At 26 seconds, the driver put her right foot down and lifted her left foot up.I observed the driver swaying during the instructional and practical portion of this exercise.

Finger To Nose

I had the driver stand with her feet together and hands down at her side as I explained the exercise. I explained and demonstrated the exercise and she stated she understood the instructions. I asked the driver to tilt her head back and close her eyes. The sequence performed was : L,R,L,R,R,L. The driver had to be reminded to bring their arms back down to their side. On the first and last Left in the sequence, the driver missed the tip of her nose initially. On the last Right of the sequence, the driver began to lift her left finger, and corrected herself. I observed the driver swaying during the instructional and practical portion of this exercise.

Romberg Balance

I had the driver stand with her feet together and hands down at her side as I explained the exercise. I explained and demonstrated the exercise and she stated she understood the instructions. I asked the driver to tilt her head back and close her eyes and estimate the passage of 30 seconds. She advised she finished this exercise at an internal clock of 30 seconds when the actual time was 13 seconds.

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Breath Results from Instrument

1st Result	2nd Result	3rd Result (If Applicable)
.131	.131	

State of Florida

County of Palm Beach

The Following Instrument was notorized or sworn before me this 2/12/2023 (DATE)

- [x] Personaly Known
- [ ] Produced Identification
- [ ] Notary Public

#2269

Notary / Clerk of Courts / Officer (FSS: 117.10)

#2148

Signature of Arresting Officer

SUBJECT: Felix, Ruth CASE NUMBER: 2023-0002645

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.

OR

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

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am J. Charles #2148 of the West Palm Beach Police Department. If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended, or if you have been previously fined under F.S.S. 327.35215 for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended, or you have been previously fined under F.S.S. 327.35215 for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor, in addition to any other penalites which can be imposed by law. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

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.

SUBJECTS SIGNATURE: Read on Camera

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

CONSTITUTIONAL WARNINGS

1. You have the right to remain silent and not answer any questions
2. Any statement must be freely and voluntailry 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 can not 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.

SUBJECTS SIGNATURE: Read on Camera

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West Palm Beach Police Department
Breath Testing Facility Report

Defendant: Felix, Ruth **Case #:** 2023-0002645

Arresting Officer: J. Charles #2148 **Date:** 02/12/2023

Breath Test Resutls: .131 g/210L 0433 Time .131 g/210L 0436 Time

_____ g/210L _____ Time _____ g/210L _____ Time

Note: Times are in Military Time

Breath Operator: J. Charles #2148

Maintenance Technician Inv J Ingrassia #1857

Testing Officer Observations:

Speech: slurred

Attitude: cooperative

Clothing: pink blouse, black pants, pink heels

Medical Conditions: none

Medications: none

Other:

Arrival Time at Facility/ Time Twenty (20) Minute Observation Started: 0400

Comments:

Arrived at testing facility and conducted 20 min observation

Subject offer breath test

Subject refused

Implied consent read

Subject performed breath test

Q/A performed

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: WEST PALM BEACH PD
Instrument Serial Number: 80-001235 Software: 8100.27
Date of Test: 02/12/2023

Date of Last Agency Inspection: 01/25/2023
Observation Period Began: 04:00
Subject's Name: RUTH FELIX DOB: 10/02/1972 Sex: F

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	04:30
Air Blank	0.000	04:30
Control Test	0.081	04:30
Air Blank	0.000	04:31
Subject Sample #1	0.131	04:33
Air Blank	0.000	04:34
Air Blank	0.000	04:35
Subject Sample #2	0.131	04:36
Air Blank	0.000	04:37
Control Test	0.080	04:37
Air Blank	0.000	04:38
Diagnostics Check	OK	04:38

Cylinder Lot: 02422080A1
Exp: 02/05/2024

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 JAMESLOO CHARLES, 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: J. Charles #2148 Date: 2/12/23
Signature

Sworn to (or affirmed) before me this 12 day of February, 2023

#2269 C Caceres Nelson
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

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SUBJECT: Felix, Ruth CASE NUMBER: 2023 - 0002645

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? ~~No~~ Yes

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? IDK

DIRECTION OF TRAVEL? N WHERE DID YOU START? IDK

WHAT TIME DID YOU START? 0200 WHAT TIME IS IT NOW? IDK

WHAT IS TODAY'S DATE? Sunday / IDK WHAT DAY OF THE WEEK IS IT? Sunday

WHAT COUNTY AND CITY ARE YOU IN NOW? West Palm Beach

WHEN DID YOU LAST EAT? Yesterday 3pm WHAT DID YOU EAT? Fried Calamari

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Listening to music

HOW MUCH DO YOU WEIGH? 165 HAVE YOU BEEN DRINKING? N 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? N ARE YOU UNDER THE INFLUENCE? N

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? N HOW MUCH?

WHAT? WHERE? WHEN?

WHAT LINE OF WORK ARE YOU IN? Dental WHEN DID YOU LAST WORK? Friday

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? No WHAT?

ARE YOU SICK OR INJURED? No WHAT'S WRONG?

DO YOU LIMP? No DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? No

WERE YOU IN AN ACCIDENT TODAY? Touched a car

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? N WHEN?

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? Yes WHO? Dentist WHY? Implant

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? No WHAT? WHEN?

DO YOU HAVE:

EPILEPSY?	No
GLASS EYE?	No
FALSE TEETH?	No
EAR INFECTION?	No
INNER EAR TROUBLE?	No
DIABETES?	No

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? No

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION?

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? No WHERE?

INTERVIEWER: S. Charles #7198

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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:	

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REVIEW COMPLETED BY

Booking Number: 2023004061	**Date:** 2/13/2023
	Specialist Name/ID: T.Howard/7185