23CT13898 mB

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

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

☒ Check if Supplement is Attached

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

OBTS Number | 1 | Juvenile: N

ADMINISTRATIVE

Agency ORI Number: FL0 5 0 0 0 0 0 | Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE | Agency Report Number: 0 6 -| 23-096655 ( )

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 N/A | Multiple Clearance Indicator: 0 1

Location of Arrest (including Name of Business): Southern Blvd & S Haverhill Rd, West Palm Beach FL 33415

Location of Offense (Business Name, Address): Southern Blvd & S Haverhill Rd, West Palm Beach FL 33415

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
08/06/2023	0032					I95 Towing

DEFENDANT

Name (Last, First, Middle): Martin Rodriguez, Sergio,

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

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	5/18/1983	5'09	180	Green	Brown	Light	Med

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)

Marital Status: Married | Religion: NONE | Indication of: Alcohol Influence Y ☒ N ☐ Unk ☐ | Drug Influence Y ☐ N ☒ Unk ☐

Local Address (Street, Apt. Number) (City) (State) (Zip): 3345 B Rd, Loxahatchee, FL 33470

Mobile Phone: (561) 985-3271 | Residence Type: 1. City 2. County 3. Florida 4. Out of State: 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip) | Phone ( ) | Address Source: DL

Business Address (Name, Street) (City) (State) (Zip) | Phone ( ) | Occupation: Construction

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
M635780831780, FL	[redacted]		Cuba, Cuba	Cuba

CO-DEF

Co-Defendant (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				☐ ☐	☐ ☐ ☐
Co-Defendant (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) | Residence Phone ( )

Address (Street, Apt. Number) (City) (State) (Zip) | Business Phone ( )

Notified by: (Name) | Date | Time | Juvenile Disposition 1. Handled/Processed within Dept. and Released. 2. TOT HRS/DYS 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 (561) 355-6511) 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 B. Buy T. Traffic R. Smuggle D. Deliver E. Use 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. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
Driving Under The Influence	1	☐ Y ☒ N	316.193(1)(A)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
U	U		23-096655		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address): Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561) 688-4600

FILED PBC - GUN CLUB-- 23 AUG 7 AM 7:52

Court Date and Time: Month August Day 31 Year 2023 Time 0830 A.M. ☒ P.M. ☐

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

X _____ Signature of Defendant (or Juvenile and Parent/Custodian) | Date Signed: 08/06/2023

I consent to receive text reminders of court date(s) and times for this case by automated technology to the mobile number identified above. I understand that standard text message rates may apply, and that I may revoke this consent via the text message system if I choose. Signature

ADMIN

HOLD for other agency | Signature of Arresting Officer: X _____ | Name Verification (Printed by Arrestee) (PRINT)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other: | Name of Arresting Officer (Print): D/S Y. Agaoglu | I.D. #: 37986

Intake Deputy | I.D. # | Pouch # | Transporting Officer: D/S Y. Agaoglu | I.D. #: 37986 | Agency: PBSO | Witness here if subject signed with an "X"

PAGE 1 OF 1

PBSO #0148 REV. 11/22 DISTRIBUTION: COURT COPY STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

TA 0486726

#1783

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ADMIN

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

Agency ORI Number	Agency Name	Agency Report Number
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 23096655

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
Martin Rodriguez	Sergio	W	M	05/18/1983

CHARGES

D.U.I. 316.193(1)	

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 reasonable 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 commit the below acts.
☐ was found to have commited the below acts, resulting from my (described) investigation.

On the 5th day of August 2023 at 11:40 ☐ A. M. ☒ P.M. (Specifically include facts constituting cause for arrest.)

☐ **Marsy's Law CVI**
FL. Const. Art.1 § 16(b)

On August 5th, 2023, at approximately 2340 hrs., I was conducting traffic enforcement in the area of Southern Blvd and Jog Rd, West Palm Beach Florida. I observed a dark colored vehicle traveling east on Southern Blvd, just east of the Jog Rd passing other traffic, at speeds well over the posted speed limit (50 MPH). I maintained visual on the dark colored vehicle and estimated the vehicle to be traveling at approximately 95-100 MPH.

I attempted to get closer to the vehicle in an attempt to get the vehicle tag. I was operation my PBSO issued Green and White Ford Explorer (VIN 1FM5K8AR1JGB68603) with Sheriff Insignia. It should be noted that my vehicle has been calibrated within the last 6 months. I was pased the vehicle at approximately104 MPH. The dark colored vehicle was gaining distance between him and my patrol vehicle. I observed the vehicle still traveling east on Southern Blvd, approaching the off ramp toward Haverhill RD. I initiated my emergency lights and siren, in an attempt to get the driver to slow down and pull over. The vehicle was now on the off ramp to Haverhill RD and appeared to be getting ready to go south on Haverhill Rd. It should be noted that there was other vehicle traffic during this time and the dark colored vehicle had to stop abruptly in order not to collide with other traffic.

I was able to get close to read a tag off of the suspect vehicle. The vehicle was black in color Audi 2D, bearing Florida Tag; B6MVL. The vehicle came back registered to a, Sergio „ Martin Rodriguez, dob 05/18/1983. As I approached the vehicle I observed that the vehicle was occupied by the driver who I then identified by his Florida Driver's License as the registered owner, Sergio „ Martin Rodriguez, dob 05/18/1983.

I approached the vehicle from the passenger side and I was immediately met with the strong odor of an unknown alcoholic beverage. I then noticed that the driver had glassy, watery eyes, and that they were bloodshot. I asked the driver for his driver's license and registration. The driver handed me his driver's license, however, he failed to hand me his registration. Instead, he handed me his insurance information along with several miscellaneous papers.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Deputy Sheriff A. Tejada (ID #) 26703
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 5th day of August 20 23 by Deputy Sheriff A. Tejada 26703
(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWN

Deputy Sheriff Y. Agaoglu 37986
Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

PROBABLE CAUSE AFFIDAVIT

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

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 23096655

ChargeType: 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
Martin Rodriguez	Sergio	W	M	05/18/1983

CHARGES

D.U.I.	316.193(1)

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

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

The Person taken into custody

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☐ confessed to _____ admitting to the below facts.

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PROBABLE CAUSE STATEMENT

☐ **Marsy's Law CVI**
FL. Const. Art.1 § 16(b)

I asked the driver for his registration and he insisted that he handed it to me. It should be noted that it was very difficult to understand the driver as his speech was slurred and low toned. I then asked the driver where he was headed and he stated that he was on his way home. It should be noted that the driver, Sergio „ Martin Rodriguez, dob 05/18/1983 currently lives in the unincorporated Palm Beach County area of Loxahatchee, Florida. The driver was traveling in the opposite direction.

Due to the indicators and Sergio „ Martin Rodriguez possibly being under the influence of an unknown alcoholic beverage, I requested for a DUI Unit to respond. Deputy Sheriff Y. Agaoglu 37986 responded to my location and continued with her investigation.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Deputy Sheriff A. Tejada (ID #) 26703
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 5th day of August 20 23 by Deputy Sheriff A. Tejada 26703
(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWN

Deputy Sheriff Y. Agaoglu 37986
Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias: 1

Juvenile: N

ADMIN

Agency ORI Number: FLO 5 0 0 0 0 0

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 23-096655

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Martin Rodriguez, Sergio,		H	M	5/18/1983

CHARGES

Charge Description	Charge Description
Driving Under The Influence 316.193(1)(A)	
Charge Description	Charge Description

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 I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law.
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☐ confessed to _____ admitting to the below facts.

☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

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

On the 6 day of August 20 23 at 0032 ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)

☐ **Marsy's Law CVI**
FL Const. Art.1 § 16(b)

I responded to the off ramp of eastbound Southern Blvd at S Haverhill Rd as a back up deputy for D/S A Tejada's 26703 traffic stop due to his suspicions of the driver operating a motor vehicle under the influence. Upon my arrival, D/S Tejada stated the following

" On August 5th, 2023, at approximately 2340 hrs., I was conducting traffic enforcement in the area of Southern Blvd and Jog Rd, West Palm Beach Florida. I observed a dark colored vehicle traveling east on Southern Blvd, just east of the Jog Rd passing other traffic, at speeds well over the posted speed limit (50 MPH). I maintained visual on the dark colored vehicle and estimated the vehicle to be traveling at approximately 95-100 MPH.

***I attempted to get closer to the vehicle in an attempt to get the vehicle tag. I was operation my PBSO issued Green and White Ford Explorer* (VIN 1FM5K8AR1JGB68603) with Sheriff Insignia. It should be noted that my vehicle has been calibrated within the last 6 months. I was pased the vehicle at approximately104 MPH. The dark colored vehicle was gaining distance between him and my patrol vehicle. I observed the vehicle still traveling east on Southern Blvd, approaching the off ramp toward Haverhill RD. I initiated my emergency lights and siren, in an attempt to get the driver to slow down and pull over. The vehicle was now on the off ramp to Haverhill RD and appeared to be getting ready to go south on Haverhill Rd. It should be noted that there was other vehicle traffic during this time and the dark colored vehicle had to stop abruptly in order not to collide with other traffic.**

I was able to get close to read a tag off of the suspect vehicle. The vehicle was black in color Audi 2D, bearing Florida Tag; B6MVL. The vehicle came back registered to a, Sergio „ Martin Rodriguez, dob 05/18/1983. As I approached the vehicle I observed that the vehicle was occupied by the driver who I then identified by his Florida Driver's License as the registered owner, Sergio „ Martin Rodriguez, dob 05/18/1983.

I approached the vehicle from the passenger side and I was immediately met with the strong odor of an unknown alcoholic beverage. I then noticed that the driver had glassy, watery eyes, and that they were bloodshot. I asked the driver for his driver's license and registration. The driver handed me his driver's license, however, he failed to hand me his registration. Instead, he handed me his insurance information along with several miscellaneous papers.

I asked the driver for his registration and he insisted that he handed it to me. It should be noted that it was very difficult to understand the driver as his speech was slurred and low toned. I then asked the driver where he was headed and he stated that he was on his way home. It should be noted that the driver, Sergio „ Martin Rodriguez, dob 05/18/1983 currently lives in the unincorporated Palm Beach County area of Loxahatchee, Florida. The driver was traveling in the opposite direction.

Due to the indicators and Sergio „ Martin Rodriguez possibly being under the influence of an unknown alcoholic beverage, I requested for a DUI Unit to respond. Deputy Sheriff Y. Agaoglu 37986 responded to my location and continued with her investigation."

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Y. Agaoglu
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of August 20 23 by D/S Y. Agaoglu

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced _____ as identification.

Notary Public, Clerk of Court, Officer (F.S.S). 117. 10)

JOSHUA BELL
Notary Public - State of Florida
Commission # HH 418882
My Comm. Expires Jul 9, 2027
Bonded through National Notary Assn.

PAGE 1 OF 2

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY AGENCY AGENCY

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PROBABLE CAUSE AFFIDAVIT

1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias | 1 | Juvenile: N

ADMIN

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number
	FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	23-096655

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
Martin Rodriguez, Sergio,		H	M	5/18/1983

CHARGES

Charge Description	Charge Description
Driving Under The Influence 316.193(1)(A)	
Charge Description	Charge Description

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 I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law.
The Person taken into custody:

☒ committed the below acts in my presence.
☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
☐ confessed to _____ admitting to the below facts.
☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 6 day of August 20 23 at 0032 ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)

☐ **Marsy's Law CVI**
FL. Const. Art.1 § 16(b)

I observed that the black Audi bearing FL tag B6MVL sole occupant and driver later positively identified by his FL Driver's License as Sergio Martin Rodriguez W/M DOB 05/18/1983 in the driver's seat. D/S Tejada assisted with translation due to the language barrier. As I was talking with Rodriguez, I could immediately smell an unknown alcoholic beverage emanating from his breath. His eyes were bloodshot red, watery and glossy. His speech was very slurred. I instructed Rodriguez to turn off his vehicle and step out and talk to me in front of my vehicle.

I then asked Rodriguez if he would consent to performing Standardized Field Sobriety Tasks (SFST's) for the purpose of determining if he was impaired while operating a motor vehicle. He agreed. The first task was Horizontal Gaze Nystagmus. The second task was the Walk and Turn, the third task was the One Leg Stand, the forth task was the Finger to Nose, and the fifth Task was the Romberg Alphabet. His deficiencies were recorded on another form in this worksheet.

At the conclusion of the roadsides, based on the totality of the circumstances I determined probable cause existed to arrest and charge the defendant with DUI. I placed the defendant into handcuffs, which I checked for proper fit and double locked. I transported the defendant to the BAT. Upon arrival at 0050 hours, I conducted a twenty-minute observation period, during which time the defendant did not regurgitate or take anything by mouth. D/S A Tejada accompanied for translations. The defendant was relocated into the testing room where I requested a lawful sample of their breath. I asked the defendant to provide a breath sample for testing the alcohol content.

He refused to provide a breath sample. He was read implied consent to which he stated he understood. He agreed to provide a breath sample. Rodriguez was instructed multiple times on how to provide a breath sample. Rodriguez instead kept sucking air instead of blowing and not providing a consistent tone on the instrument. After multiple attempts of trying to get Rodriguez to provide a breath sample, I called a refusal at 0122 hours. He was read his Miranda Warnings to which he stated he understood. He agreed to answer questions. He was escorted out of the testing room and placed in a holding cell. Once the booking documents were complete, the defendant was escorted over to the booking desk without incident.

Rodriguez was issued a Florida DUI Uniform Traffic Citation with a court date of August 31, 2023 at 0830 at the Criminal Justice Complex 3228 Gun Club Rd. He was also issued a DUI Refusal Citation.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Y. Agaoglu
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of August 20 23 by D/S Y. Agaoglu

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced: Known

Notary Public, Clerk of Cour[illegible] (F.S.S) 117.10)

JOSHUA BELL
Notary Public - State of Florida
Commission # HH 418882
My Comm. Expires Jul 9, 2027
Bonded through National Notary Assn.

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY AGENCY DEFENDANT (N.T.A. ONLY)

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 6 DAY OF August 20 23, AT 0032 ✓AM PM

SUBJECT: Martin Rodriguez, Sergio, CASE NUMBER: 23-096655

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S Y. Agaoglu

PERSONAL CONTACT

DRIVING PATTERN: Actual physical control (physical evidence or statements putting def. behind wheel of vehicle)

See PC

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OBSERVATION OF DRIVER:

I observed the defendant, Sergio Martin Rodriguez who was wearing a black shirt and green shorts. I asked the defendant to walk over to the front of my vehicle and speak with me. While standing stationary the defendant swayed. I could see the defendants eyes were bloodshot and glossy. He had an obvious odor of an unknown alcoholic beverage emitting from his breath that grew stronger as he spoke. The defendants speech was slow and slurred.

DRIVER'S STATEMENTS:

The defendant said he did not have any physical defects or preexisting injuries, diabetes, or wear glasses. The defendant said he had nothing to drink. The defendant said he was coming from home and going to a rental property. He said he works in construction. He said he was driving the vehicle. I asked the defendant to submit to roadside field sobriety tasks to which he agreed.

ODORS:

An obvious odor of an unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: **Slow, Slurred, Thick**

ATTITUDE: **Compliant, Repetitive**

CLOTHING: **Disheveled**

MEDICAL/OTHER: **None**

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Y. Agaoglu
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of August 2023 by D/S Y. Agaoglu

(Print name of Arresting/Investigative Officer) who is personally known to me and/or produced identification. Type of identification produced Known

Notary Public, Clerk of Court, Officer (F.S.S 117.10)

JOSHUA BELL
Notary Public - State of Florida
Commission # HH 418882
My Comm. Expires Jul 9, 2027
Bonded through National Notary Assn.

SUBJECT: Martin Rodriguez, Sergio, **CASE NUMBER** 23-096655

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

HGN:During the HGN task the eyes tracked equally, the pupil sizes were consistent and there were no indicators at resting nystagmus. Both eyes showed lack of smooth pursuit. Both eyes showed distinct and sustained nystagmus at maximum deviation. Both eyes showed onset of nystagmus prior to 45 degrees. Defendant swayed and moved his head. Defendant anticipated and was told multiple times to follow my stimulus and not look at me.

WALK & TURN:

I placed, with the assistance of another deputy, an approximately 2" wide piece of yellow on the ground. I asked the defendant if they knew their left from their right which they did. I asked the defendant if they could see the line and they stated that they did. I had the defendant place their left foot on the line with their right foot in front of the left, heel to toe. I instructed the defendant to remain in the position throughout my instructions and demonstration. The defendant was instructed not to start the task prior to me telling them to begin. The defendant acknowledged and stated they completely understood my instructions. The defendant was then instructed on the task which I also demonstrated. The defendant came out of the stance and started the task prior to me telling them to begin. Once the defendant was told to begin the task they stepped off the line. The defendant did not look at his feet, and did not count correctly.

ONE LEG STAND:

The defendant was instructed to stand with their feet together and their hands down by their side. They were then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood the instructions. The defendant swayed while in the instructional position. After being told to begin the defendant put their foot down prior to being told to stop, and hopped. The defendant did not count in the manner instructed. The defendant spontaneously stopped the task prior to being told to do so.

FINGER TO NOSE:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood these instructions. I instructed the defendant on the task and demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant proceeded to search for the tip of their nose with the tip of their finger, and did not bring their hand immediately bring back as instructed after numerous reminders to do so. The defendant did not keep their head tilted back and opened their eyes during the task. The defendant swayed throughout the task.

ROMBERG ALPHABET:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood these instructions. The defendant stated that they knew their Spanish alphabet from A to Z. I instructed them on the task and then demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant failed to maintain instructional stance. The defendant swayed.

BREATH TEST RESULTS: | 1) Refused | 2) Refused | 3) | 4) |

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S Y. Agaoglu
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of August 2023 by D/S Y. Agaoglu

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced Known

Notary Public, Clerk of Court, Officer (F.S.S 117.10)

JOSHUA BELL
Notary Public - State of Florida
Commission # HH 418882
My Comm. Expires Jul 9, 2027
Bonded through National Notary Assn.

NOT A CERTIFIED COPY

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Deputy Y AGAOGLU, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)

am a member of Palm Beach County Sheriffs Office, and I do swear
(Name of enforcement agency)

or affirm that on or about the SIXTH day of August, 2023, at 1:48 AM

DRIVER (Type or Print) SERGIO (FIRST) MIDDLE OR MAIDEN MARTIN RODRIGUEZ (LAST),

DL # M635780831780, state of FL, was placed under lawful arrest for

the offense of DUI by Deputy Y AGAOGLU and
(Name of Arresting Officer)

issued Citation # AHACRGE.

That on or about the SIXTH day of August, 2023, at 1:22 AM

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 Corrctional Officer

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

JOSHUA BELL
Notary Public - State of Florida
Commission # HH 418882
My Comm. Expires Jul 9, 2027
Bonded through National Notary Assn.

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 06 day of August, 2023, by D/S Y. Agaoglu who is personally known to me or who has produced known as identification.

Notary Public

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

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****

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: 80-006477 Software: 8100.27
Date of Test: 08/06/2023

Date of Last Agency Inspection: 07/14/2023
Observation Period Began: 00:50
Subject's Name: SERGIO MARTIN RODRIGUEZ DOB: 05/18/1983 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	01:17
Air Blank	0.000	01:17
Control Test	0.078	01:18
Air Blank	0.000	01:18
Subject Sample #1	VNM*	01:21
Air Blank	0.000	01:22
Air Blank	0.000	01:24
Subject Sample #2	REF**	01:24
Air Blank	0.000	01:24
Control Test	0.077	01:25
Air Blank	0.000	01:25
Diagnostics Check	OK	01:25

*Volume Not Met (0.141 - Breath Sample Not Reliable to Determine Breath Alcohol Level)
**Subject Test Refused

Cylinder Lot: 15922080A3
Exp: 08/05/2024

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 RENEE M RAGIN, 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: _____ Date: 08/06/23
Signature

Sworn to (or affirmed) before me this 06 day of Aug., 2023

_____ D/S.Y. Agaoglu #37986
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:_____

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)_____

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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: _____

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WITNESS LIST

CASE NUMBER: 23-096655

ARRESTING OFFICER: D/S Y. Agaoglu

ADDRESS: 3228 GUN CLUB RD, WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME): 561 688-3000 (WORK) _____

CAN TESTIFY TO: Indicators of Impairment, arrest

NAME: DEPUTY A Tejada 26703

ADDRESS: 3228 GUN CLUB RD, WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME) 561 688-3000 (WORK) _____

CAN TESTIFY TO: TRAFFIC STOP, INDICATORS OF IMPAIRMENT, TRANSLATION

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

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PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: Martin Rodriguez, Sergio

CASE NUMBER: 23 -096655

DATE: Aug 6, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 01:12

ENDING TIME: 01:31

BREATH TESTS RESULTS: 1) .VNM TIME 01:21 A.M. ☒ P.M. ☐ 2) Refused TIME 01:22 A.M. ☒ P.M. ☐

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

BREATH OPERATOR: R. Ragin #16877

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Spanish Speaking, Slurred, Accent

ATTITUDE: Talkative, fidgety, agitated, uncooperative

CLOTHING: Gray shorts, black t-shirt, black flip-flops

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER:

Eyes are glassy & bloodshot
Odor of unknown alcoholic beverage on breath
Translated By D/S A.Tejade ID#26703 VNM.141

COMMENTS:

Arrived at center A/O started 20 minute observation period at 00:50 hrs.

Subject refused to perform breath test.
subject talking over A/O.

A/O read I/C and subject stated he understood I/C.

Subject agreed to take test.

Subject talking over A/O.
Subject not following Tech instructions to blow and to keep a tone for 10 sec.

A/O called refused.

A/O read rights.
Subject stated he understood rights.

A/O conducted Q&A.
Subject answered Q&A.

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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	☒	316.650(b)	Other: Driver information contained in a uniform traffic citation.	9-10
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023020369	**Date:** 8/6/2023
	Specialist Name/ID: R.Castro/40259