50-2024-CT-015449AMB

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

☐ Check if Supplement is Attached

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

OBTS Number

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

Juvenile: N

ADMINISTRATIVE

Agency ORI Number	Agency Name	Agency Report Number
FL0 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	0 6 - 24-088904 ( )

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

Multiple Clearance Indicator: 0 1

Location of Arrest (including Name of Business): S Congress Ave and Alice Dr, Palm Springs, FL 33461

Location of Offense (Business Name, Address): S Congress Ave and Alice Dr, Palm Springs, FL 33461

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
08/12/2024	2218					

DEFENDANT

Name (Last, First, Middle): Gudoshnikov, Vitaliy ,

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	11/19/1982	5'11	200	Blue	Bro	Light	Med

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

Marital Status: Single — Religion: None — Indication of: Alcohol Influence (Y ☒ N ☐ Unk ☐) Drug Influence (Y ☐ N ☐ Unk ☒)

Local Address (Street, Apt. Number) (City) (State) (Zip): 1004 13th ST Apt 19, West Palm Beach, FL 33401 — Mobile Phone: (561) — Residence Type: 1. City 2. County 3. Florida 4. Out of State: 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip): , — Phone: ( ) — Address Source: FL dL

Business Address (Name, Street) (City) (State) (Zip): — Phone: ( ) — Occupation: Unemployeed

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
G325860824190, FL	[redacted]		Russia	US

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	01	☐ Y ☒ N	316.193(1A)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		24-088904		

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

Court Date and Time: Month September — Day 10 — Year 2024 — 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.

FILED: GUN CLUB '24 AUG 13 AM 6:59

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

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 ☐ Suicidal ☐ Resisted Arrest ☐ Other:

Name of Arresting Officer (Print): Inv. C. Ward 16305 — I.D. # 16305

AUG 13 AM 12:17

Intake Deputy — I.D. # — Pouch #

Transporting Officer: Inv. C. Ward — I.D. # 16305 — 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)

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0551530

P# 35410

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: FLO 500000 | Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE | Agency Report Number: 06- 24088904

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

Special Notes: Suplemental PC

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
GUDOSHNIKOV	VITALIY	W	M	11/19/1982

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

☒ 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 12 day of August 2024 at 2130 ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

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

On 8/12/2024 at approximately 2130 hours, while responding to an unrelated call, I observed a white Kia SUV Bearing Florida tag 36CHWY traveling Northbound in the number three lane of South Congress Ave just north of the intersection of South Congress Ave and Lake Worth Road located in unincorporated Palm Beach County, Florida. Prior to initiating my traffic stop I followed directly behind the Kia SUV from the intersection of Congress Ave and Lake Worth Road to the intersection of Congress Ave and Alice Drive. While Following I observed the Kia SUV straddling the right white lane marker and intermediately Jerk side by side within the lane, occasionally cross into the middle lane almost making contact with other drivers.

After initiating my traffic stop I made contact with the driver and Identified him by Florida Drivers license as a Vitaliy Gudoshnikov. Vitaliy remained quiet upon my interaction where the passenger attempted to speak for Vitaliy. While letting the passenger speak I observed Vitaliy who appeared to have a blank stare and his eye lids were drooping. After speaking with the passenger I asked Vitaliy where he they were coming from which he responded with a barely coherent mumbling of "a strip club". The passenger chimed in advising a local strip club which due to my knowledge of the area would be "Scores" gentle-mans club. Both Parties advised that was indeed the location they were just at. I then asked if Vitaliy had anything to drink, both himself and the passenger advised [redacted]

Due to my concerns that Vitaliy maybe over the legal limit to operate a motor vehicle I contact Inv.Ward (16305) of the PBSO DUI unit to further investigate.

After Inv. Ward's arrival, I no longer had contact with Vitaliy.

This completes my involvement with this case. This report is for supplemental purposes

BWC was utilized throughout my involvement.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH
D/S T Cullen-Waltont (ID #) 36338
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12 day of August 20 24 by D/S T Cullen-Waltont 36338
(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWN LEO

Inv C.Ward #ID16305
Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

PAGE OF

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PROBABLE CAUSE AFFIDAVIT

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

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	24-088904

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
Gudoshnikov, Vitaliy ,		W	M	11/19/1982

CHARGES

Charge Description	Charge Description
Driving Under the Influence 316.193(1A)	
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 12 day of August 20 24 at 2140 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

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

Driving Pattern Cont.:

After initiating my traffic stop I made contact with the driver and Identified him by Florida Drivers license as a Vitaliy Gudoshnikov. Vitaliy remained quiet upon my interaction where the passenger attempted to speak for Vitaliy. While letting the passenger speak I observed Vitaliy
who appeared to have a blank stare and his eye lids were drooping. After speaking with the passenger I asked Vitaliy where he they were coming from which he responded with a barely coherent mumbling of "a strip club". The passenger chimed in advising a local strip club which due to my knowledge of the area would be "Scores" gentle-mans club. Both Parties advised that was indeed the location they were just at. I then asked if Vitaliy had anything to drink, both himself and the passenger advised [redacted]

[redacted]

Due to my concerns that Vitaliy maybe over the legal limit to operate a motor vehicle I contact Inv.Ward(16305) of the PBSO DUI unit to further investigate.

I conducted the Standardized Field Sobriety Tasks (SFSTs) in front of my PBSO patrol vehicle. The area appeared relatively flat and even to the naked eye. The area was well-lit and lit by the lights on my patrol vehicle. The area was clear of any large debris. It was warm and not windy. The area was dry. The tasks were recorded on my Body Worn Camera and the Dash Cam in my PBSO patrol vehicle.

Horizontal Gaze Nystagmus (HGN) Task:

I instructed the defendant on the task which he stated he understood. I confirmed the defendant could see the stimulus (a red pen light) which they stated was, "red." Upon commencing the task, the defendant moved his head side to side instead of following with his eyes only, anticipated the stimulus, and did not follow the stimulus as instructed. During the task, I observed the defendant had equal pupil size and did not exhibit resting nystagmus. The defendant's eyes tracked equally. I observed a lack of smooth pursuit in both of the defendant's left and right eyes. I observed a distinct and sustained nystagmus while I held the stimulus maximum deviation in both the defendant's left and right eyes. I observed the onset of nystagmus with the stimulus held prior to 45 degrees in both of the defendant's left and right eyes.

I checked the defendant for Vertical Gaze Nystagmus (V.G.N.). I observed nystagmus in both of the defendant's left and right eyes.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12 day of August 20 24 by Inv. C. Ward
(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced Known LEO

Thomas Leahey (#19183)
Notary Public, Clerk of Court, Officer (F.S.S). 117.10)

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

PAGE 1 OF 2

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

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ADMIN

OBTS Number

PROBABLE CAUSE AFFIDAVIT

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

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	24-088904

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
Gudoshnikov, Vitaliy ,		W	M	11/19/1982

CHARGES

Charge Description	Charge Description
Driving Under the Influence 316.193(1A)	
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.
☐ 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 12 day of August 20 24 at 2140 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

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

At this time, I found probable cause to believe that the defendant was impaired for the purposes of operating a motor vehicle or being in actual physical control of a motor vehicle pursuant to Florida State Statute 316.193(1a). I handcuffed the defendant to the rear, checked the handcuffs for proper fit, and double-locked them. I placed the defendant in the rear of my PBSO patrol vehicle.

Palm Beach Auto Disposal towed the vehicle by rotation to their impound lot.

I transported the defendant to the Palm Beach County Jail Breath Alcohol Testing (B.A.T.) center.

Once at the Breath Alcohol Testing (B.A.T.) Center I placed the defendant centrally located where I could easily monitor him. I observed the defendant for 20 uninterrupted minutes, during which time he did not ingest anything or regurgitate. After the 20-minute observation period, I escorted the defendant into an isolated video-recorded testing room. I requested a lawful sample of the defendant's breath for the purposes of determining its breath alcohol content. The defendant consented. The defendant gave three lawful samples of his breath, resulting in a B.A.C. of .206, .230 and .231.

Based on the B.A.C. not being consistent with the impairment level I perceived during the investigation, I requested a lawful urine sample from the defendant for the purposes of determining the presence of chemical and/or controlled substances. The defendant consented/refused to give a lawful sample of his urine. The defendant was read implied consent on camera, which the defendant understood, before leaving the video-recorded room in case the defendant could not provide the lawful sample or decided not to. I observed the defendant while in a holding cell as he attempted to give a lawful urine sample. The defendant did/did not give a lawful urine sample. The urine sample was sealed and then placed in a sealed evidence bag.

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ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12 day of August 20 24 by Inv. C. Ward

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

Thomas Leahey (#19183)
Notary Public, Clerk of Court, Officer (F.S.S), 117.10)

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

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PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY AGENCY AGENCY (DEFENDANT'S ONLY)

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 12 DAY OF August 20 24, AT 2140 AM PM

SUBJECT: Gudoshnikov, Vitaliy , CASE NUMBER: 24-088904

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. C. Ward 16305

PERSONAL CONTACT

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

At approximately 2145 hours, I was called to the scene of a traffic stop near the intersection of S Congress Ave and Alice Dr, in unincorporated Palm Springs, Palm Beach County to conduct a possible DUI investigation. I arrived at the scene at approximately 2155 hours.

Upon my arrival D/S T. Cullen-Walton: 36338 advised me the following in a supplemental PC:
On 8/12/2024 at approximately 2130 hours, while responding to an unrelated call, I observed a white Kia SUV Bearing Florida tag 36CHWY traveling Northbound in the number three lane of South Congress Ave just north of the intersection of South Congress Ave and Lake Worth Road located in unincorporated Palm Beach County, Florida. Prior to initiating my traffic stop I followed directly behind the Kia SUV from the intersection of Congress Ave and Lake Worth Road to the intersection of Congress Ave and Alice Drive. While Following I observed the Kia SUV straddling the right white lane marker and intermediately Jerk side by side within the lane, occasionally cross into the middle lane almost making contact with other drivers.

Cont on PC

OBSERVATION OF DRIVER:

I approached the driver side window of the vehicle where the defendant, Vitaliy Gudoshnikov as identified by his Florida Driver's License, remained seated in the driver seat of the vehicle. There was an obvious odor of an unknown alocholic beverage, known to me based on my training and experience, which intensified when the defendant spoke. The defendant had glassy eyes and slowed movement. The defendant had thick speech with an accent. When I attempted to speak with the defendant his passenger attempted to answer for him.

I had the defendnat step out of the vehicle and walk to the rear. The defendant was unsteady of his feet and swayed in a circular motion while standing still. There continued to be an odor or an unknown alcoholic beverage that intensified while the defendant spoke with me.

DRIVER'S STATEMENTS:

When asked if he had any medical issues the defendant stated that he had depression and a history of suicidie. The defendant stated that he takes gabapentin and other medications. The defendant stated that he had not physical defects or injuries. He stated that he did not take any illegal drugs or marijuana. He stated that [redacted] The defendant stated [redacted]

At this time I asked the defendant to complete voluntary field sobriety task (FSTs) and he consented. I walked the defendant to the front of my Patrol vehicle to complete the FSTs

ODORS:

There was an obivous odor of an unknown alcoholic beverage, based on my training and life experiences, which intensified as the defendant spoke to me.

GENERAL OBSERVATIONS

SPEECH: Thick, Accent

ATTITUDE: Cooperative, Polite, Apologetic

CLOTHING: Black Long Sleeve Shirt, Brown Pants Blach Shoes, Dishevled

MEDICAL/OTHER: Depression, Suicidal, Take Gabapentin and other unknown medicaitons.

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12 day of August 20 24 by Inv. C. Ward 16305

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

Thomas Leahey (#19183)
Notary Public, Clerk of Court, Officer (F.S.S 117.10) .

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

NOT A CERTIFIED COPY

SUBJECT: Gudoshnikov, Vitaliy , CASE NUMBER 24-088904

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:
See PC

WALK & TURN:
With the assistance of a fellow deputy I placed an approximatley 2" wide piece of yellow tape on the ground. I confirmed that the defendant knew their left from their right. I instructed and demonstrated the task to the defendant which the defendant acknowledged he understood. The defendant failed to remain in the instructional stance prior to being told to being. Once instructed to begin the defendant missed heel to toe, stepped off the line, walked the incorrect number of steps, and made an improper turn. The defendant sponteously stopped prior to completing the task a few steps after making the turn. While completing the task the defendant swayed.

ONE LEG STAND:
I instructed and demonstrated the task to the defendant which the defendant acknowledged he understood. The defendant swayed while in the instructional position prior to being told to begin. After being told to begin the defendant put his foot down prior to being told to stop, used his arms for balance, and swayed. The defendant did not count in the manner instructed. The defendant did not point his toe and look at his toe as instructed.

FINGER TO NOSE:
I instructed and demonstrated the task to the defendant which the defendant acknowledged he understood. Once told to being the defendant the defendant had to be reminded to tilt his head back and close his eyes. The defendant proceeded to miss/search for the tip of his nose with the tip of his finger and started with the wrong hand. The defendant did not keep his head tilted back the task. The defendant swayed throughout the task.

ROMBERG ALPHABET:
I instructed and demonstrated the task to the defendant which the defendant acknowledged he understood. The defendant swayed while in the instructional position. The defendant stated that he knew how to count from 1 to 100 in English. I instructed and demonstrated the task to the defendant, which he stated he understood. The defendant then proceeded to count without issue.

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BREATH TEST RESULTS: | 1) .296 | 2) .230 | 3) .231 | 4) |

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12 day of August 2024 by Inv. C. Ward 16305

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

Thomas Leahey (#19183)
Notary Public, Clerk of Court, Officer (F.S.S 117.10)

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

SUBJECT: Gutoski, K. V. 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) _____

Darkest Copy

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

PBSO #0129BU REV 04/22

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SUBJECT:_____ CASE NUMBER:_____

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your ***BREATH*** for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your ***URINE*** for the purpose of determining the presence of chemical or controlled substances.

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

I am _____ of the _____

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a refusal to submit to a lawful test of your ***breath, urine*** or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law.

Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS SIGNATURE: (X)_____

CONSTITUTIONAL WARNINGS

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

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X)_____

NOT A CERTIFIED COPY

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

SUBJECT: Gudushnikov, Vitaliy *Darkest Copy* CASE NUMBER: 24 088764

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? 200 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? NO 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? 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? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ 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? _____ WHERE? _____

INTERVIEWER: _____

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: _____

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WITNESS LIST

CASE NUMBER: 24-088904

ARRESTING OFFICER: Inv. C. Ward 16305

ADDRESS: 3228 Gun Club Rd, West Palm Beach, FL 33415

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

CAN TESTIFY TO: DUI investigation

NAME: D/S T. Cullen-Walton # 36338

ADDRESS: 3228 Gun Club Rd, West Palm Beach, fL 33406

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

CAN TESTIFY TO: Stopping Deputy

NAME: D/S I. Bates # 40255

ADDRESS 3228 Gun Club Rd, West Palm Beach, FL 33406

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

CAN TESTIFY TO: Back Up Deputy

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 _____

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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: _____

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TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: Gudpshnikov, Vitaliy

CASE NUMBER: 24-088904

DATE: Aug 12, 2024

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2259

ENDING TIME: 2319

BREATH TESTS RESULTS: 1) .206 TIME 2303 A.M.☐ P.M.☒ 2) .230 TIME 2306 A.M.☐ P.M.☒

3) .231 TIME 2309 A.M.☐ P.M.☒ 4) n/a TIME 0 A.M.☐ P.M.☐

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: thick

ATTITUDE: cooperative, talkative

CLOTHING: maroon pants, black l/s shirt, black shoes

MEDICAL CONDITIONS: I would rather not say

MEDICATIONS: I would rather not say

OTHER:

eyes are glassy & bloodshot
odor of unknown alcoholic beverage on breath
subject drank Vodka/water - Q&A

COMMENTS:

arrived at center A/O conducted 20 minute observation period 2237 hrs

subject agreed to perform breath test

subject completed breath test

A/o read rights & subject understood rights

tech read breath test results & subject understood breath test results

A/O conducted Q&A

subject answered questions

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

PBSO CASE # **24-088904** PBSO ZONE **1-11**

AGENCY CASE # **N/A** CRASH CASE # **N/A**

TIME OF STOP/CRASH **2140** DATE **08/12/2024** DAY **Monday**

SUBJECT'S NAME **Gudoshnikov, Vitaliy ,** RACE **W** SEX **M**

HGT **5'11** WGT **200** DOB **11/19/1982**

LOCATION **S Congress Ave and Alice Dr, Palm Springs, FL 33461**

ARRESTING OFFICER'S NAME & ID **Inv. C. Ward 16305 (16305)** AGENCY **Palm Beach County Sheriff's Office**

DIVISION: **Traffic Divsion- DUI Unit**

NOTIFIED BY COMMO **Yes**

ARRIVAL AT FACILITY **2237**

ARREST TIME **2218**

BREATH RESULTS:

1) .206
2) .230
3) .231
4) N/A

TESTING OFFICER'S ID **19183** PBSO VIDEOTAPE # **N/A**

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CSO
Instrument Serial Number: 80-006477 Software: 8100.27
Date of Test: 08/12/2024

Date of Last Agency Inspection: 07/26/2024
Observation Period Began: 22:37
Subject's Name: VITALIY GUDOSHNIKOV DOB: 11/19/1982 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	23:01
Air Blank	0.000	23:02
Control Test	0.078	23:02
Air Blank	0.000	23:02
Subject Sample #1	0.206	23:03
Air Blank	0.000	23:04
Air Blank	0.000	23:05
Subject Sample #2	0.230	23:06
Air Blank	0.000	23:07
Air Blank	0.000	23:08
Subject Sample #3	0.231	23:09
Air Blank	0.000	23:10
Control Test	0.077	23:10
Air Blank	0.000	23:11
Diagnostics Check	OK	23:11

Cylinder Lot: 14323080A3
Exp: 09/05/2025

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 THOMAS H LEAHEY, 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: T Leahey Date: 08/12/2024
Signature

Sworn to (or affirmed) before me this 12 day of August, 2024

Signature of Notary Public-State of Florida

Jon C Ward #16305
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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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	3-4,6
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	8-9
	☐	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: 2024021715	**Date:** 8/13/2024
	Specialist Name/ID#: T. Howard/7185