23CF 6867A SB

# Arrest Report

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

| Report Date / Time | Report Number | Case Number/Cad Number | Reporting Officer Name |
|---|---|---|---|
| 4/16/2023 01:41 AM | FHP99ARR869556 | FHP23ON0198144 / RCC23IN0300338 | FANEGO, DAVID |

| Originating Agency ORI | Occur Date Time Range | Jurisdiction |
|---|---|---|
| FL0509000 | 04/15/2023 21:52:24 - | |

| OBTS Number | Other Number | Clearance |
|---|---|---|
| | | |

## Location of Occurrence

| County | Location Type | Location Description |
|---|---|---|
| PALM BEACH | PUBLIC PLACE | NB INTERSTATE 95 (STATE ROAD 9) SOF WOOLBRIGHT ROAD R/S |

| Street Number | Street | Apt/Lot/Bldg | City | State | Zip Code |
|---|---|---|---|---|---|
| | | | BOYNTON BEACH | FL | 33435 |

## Defendant

| First Name | Middle Name | Last Name | Suffix | Race | Sex | Height | Weight | Hair | Eyes |
|---|---|---|---|---|---|---|---|---|---|
| WHITNEY | DIANA | WOZNICK | | WHITE | FEMALE | 506 | 190 | BLO | HAZ |

| MNI # | SSN | Date of Birth | Age | ID Type | Drivers License or other ID | State | OCA / Agency ID |
|---|---|---|---|---|---|---|---|
| | [redacted] | 03/16/1983 | 40 | E | W252884835961 | FL | |

Place of Birth: TYNDALL AIR FORCE BASE FL UNITED STATES

Address
* RESIDENCE / 480 HIBISCUS ST 813, , FL 33401 /

## Arrest

| Arrest Date/Time | Arrest Location Type | Arrest Location Description |
|---|---|---|
| 4/15/2023 11:16:24 PM | PUBLIC PLACE | NB INTERSTATE 95 (STATE ROAD 9) SOF WOOLBRIGHT ROAD R/S |

| Street Number | Street | Apt/Lot/Bldg | County | City | State | Zip Code |
|---|---|---|---|---|---|---|
| | | | PALM BEACH | BOYNTON BEACH | FL | 33435 |

## Charge : S

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

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

Charge Description
DUI BREATH ALCOHOL 0.08 OR MORE PER 210 L

Administrative Code - Description
-

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APR 16 AM 10:25



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| 4/16/2023 01:41 AM | FHP99ARR869556 | FHP23ON0198144 / RCC23IN0300338 | FANEGO, DAVID |

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|---|---|---|
| | | |

**Bond Set by Court**

| Bond Amount | ☐ No Bond |
|---|---|
| | |

| Bond Type(s) |
|---|
| |

**Probable Cause**

On April 15th, 2023 at 10:10PM, I was on routine patrol in Palm Beach County when I was dispatched to a potential hit and run crash, northbound Interstate 95 (State Road 9) south of Woolbright Road on the right shoulder. Auxiliary Chief Bradley (8264) had arrived on scene prior to my arrival and requested I be enroute to assist. When I arrived, Chief Bradley stated that when he arrived, the defendant, later positively identified as Whitney Diana Woznick, Florida DL# W-252-884-83-596-1, was in the driver seat. Ms. Woznick stated that she was involved in a hit and run crash in which a black SUV had hit her vehicle on the northbound Interstate 95 (State Road 9) entrance ramp from State Road 806 (Atlantic Avenue). Upon further inspection, I determined that there was no collision and that Ms. Woznick had sustained a flat tire instead. The front left tire was completely destroyed, and the rim had sustained heavy damage due to Ms. Woznick driving on the almost non-existent tire for multiple miles. Ms. Woznick stated she had just come from her friend's house and had at least one alcoholic beverage. I asked Ms. Woznick if she would perform Standardized Field Sobriety Exercises (SFSE), which she did not answer until my approximate 5th time asking. She agreed to perform them stating that she was not drunk. I placed her in the rear right of my patrol vehicle. We arrived at the Staples parking lot at 11:05AM. Trooper Henriquez (4648) was present for most of the exercises. We used the Staples parking lot due to its level and well-lit parking lot and parking lines. I asked Ms. Woznick if the parking lines were visible and level, she stated they were.

The first exercise I asked Ms. Woznick to perform was the Horizontal Gaze Nystagmus Exercise. This was done road side prior to moving to the Staples parking lot. I instructed Ms. Woznick to stand with her feet together (heels and toes), to keep her hands down to her sides, and to keep her head still and to follow the tip of my finger using her eyes only. Ms. Woznick stated she understood. The following was observed:

-No resting nystagmus.
-Equal tracking.
-Moved head multiple times throughout exercise and had to be told numerous times to stop moving her head.
-Lack of smooth pursuit.
-Distinct and Sustained Nystagmus in both eyes at Maximum Deviation.
-Onset of Nystagmus prior to 45 degrees in both eyes.
-No Vertical Gaze Nystagmus.

The following exercise was the Walk and turn. I explained to Ms. Woznick that she was to put her left

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foot on the line and place her right foot in front of it, with her right heel touching her left toes, and to keep her hands down to her sides. I demonstrated and then advised Ms. Woznick to maintain that position and to not start until told to do so. Ms. Woznick stated she understood my instructions. I told Ms. Woznick that when told to begin, she was to take nine heel-to-toe steps down the line, and on her ninth step, she was to keep her forward foot on the line and take a series of small steps to turn around. She was then to return back down the line while taking nine heel-to-toe steps. I then informed her that while walking, she was to watch her feet at all times, keep her arms down to her sides and count her steps out loud. Ms. Woznick was told once she began, she was not to stop until the exercise was completed. Ms. Woznick stated she understood my instructions. The following was observed:

-Lost balance 5 times throughout the exercise.
-Used arms for balance.
-(First 9 steps) Did not touch heel to toe on steps 4, 5, 6, 7, 8, and 9.
-(Second 9 steps) Did not touch heel to toe on all steps.
-Ms. Woznick then performed the exercise again on her own accord.

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

-Moved from starting position
-Asked to start twice after I told her she had to wait until told to begin.
-Ms. Woznick raised her left leg.
-Raised foot more than 6 inches
-Counted 12/13 without thousands and counted 12 twice. Counted 13 3 times
-Used arms for balance twice.
-Put foot down once
-Hopped once

Based on my observations and the totality of the circumstances, I determined that Ms. Woznick had her normal faculties impaired and placed her under arrest at 11:16PM for Driving Under the Influence (DUI). We arrived at the Palm Beach County Jail at approximately 11:58PM and a 20-minute observation period began at 11:53PM. During her 20-minute observation period, I verified that she did not take anything by mouth or regurgitate. At approximately 12:24AM, Ms. Woznick agreed to give the samples. At 12:29AM, Ms. Woznick gave her first breath sample which was a .227. At 12:32AM, Ms. Woznick's second breath sample was .228.
Ms. Woznick was placed under arrest by myself (Trooper Fanego) in Palm Beach County, Florida,

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APR 17 2023

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| | | |

where I am a sworn law enforcement officer.
Ms. Woznick is being charged with DUI. Her vehicle was towed by Priority Towing and inventoried by Trooper Henriquez. At approximately 3AM, Ms. Woznick was transferred into the custody of the Palm Beach County Jail personnel.
All of the above events occurred in Palm Beach County, Florida.

**Jail Booking Facility**

| Booking Date/Time | Booking County | Booking Facility | Booking Facility Phone |
|---|---|---|---|
| 4/16/2023 03:00 AM | PALM BEACH | PALM BEACH COUNTY CORRECTIONS | (561) 688-4400 |

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

Booking Comments

**Court**

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

| Court | Court Phone | Court Appereance Date / Time | Court Fine |
|---|---|---|---|
| PALM BEACH SOUTH COUNTY COURTHOUSE | 561-274-1530 | 05/09/2023 8:30AM | |

Comments

| Officer Name / Rank / ID # | Involvement On Report / Reporting Role | Officer Agency / Org/Unit |
|---|---|---|
| FANEGO, DAVID TPR 4996 | REPORTING OFFICER | FLORIDA HIGHWAY PATROL FHPL\LWRCC\PALM BEACH\BROW LN TO SR804 |

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

**Reporting Officer**

| Officer Name | Office Rank | Officer ID No |
|---|---|---|
| FANEGO, DAVID | TPR | 4996 |

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature

Sworn and subscribed before me, the undersigned authority
This the 16 day of April, 2023
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

THOMASINA MILLER
Notary Public - State of Florida
Commission # HH 339641
My Comm. Expires Dec 7, 2026
Bonded through National Notary Assn.

Thomasina Miller

○ No Bill / Petition ○ Issue Warrant ○ Prosecution Approved

Signature of Assistant State Attorney Date

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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 CO SO
Instrument Serial Number: 80-006238 Software: 8100.27
Date of Test: 04/16/2023

Date of Last Agency Inspection: 04/14/2023
Observation Period Began: 23:58
Subject's Name: WHITNEY D WOZNICK DOB: 03/16/1983 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 | 00:27 |
| Air Blank | 0.000 | 00:28 |
| Control Test | 0.080 | 00:28 |
| Air Blank | 0.000 | 00:28 |
| Subject Sample #1 | 0.227 | 00:29 |
| Air Blank | 0.000 | 00:30 |
| Air Blank | 0.000 | 00:31 |
| Subject Sample #2 | 0.228 | 00:32 |
| Air Blank | 0.000 | 00:33 |
| Control Test | 0.079 | 00:33 |
| Air Blank | 0.000 | 00:33 |
| Diagnostics Check | OK | 00:33 |

Cylinder Lot: 29122080A1
Exp: 12/05/2024

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 MADELIN GONZALEZ, 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: 04/16/23
Signature

Sworn to (or affirmed) before me this 16 day of APRIL, 2023

David Fango — TPR. D. FANEGO
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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APR 17 2023

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

PBSO CASE # 23-057799 PBSO ZONE 6-51

AGENCY CASE # FHP23ONB198144 CRASH CASE #

TIME OF STOP/CRASH 2153 DATE 4-15-23 DAY Saturday

SUBJECT'S NAME Woznick (LAST) Whitney (FIRST) Diana (MID) RACE W SEX Female

HGT 506 WGT 192 DOB 3-16-1983

LOCATION NB Interstate 95 (State Road 9) SOF Woolbright Road

ARRESTING OFFICER'S NAME & ID Farego 4996 AGENCY FHP

DIVISION:

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 2358

ARREST TIME 2316

BREATH RESULTS:

| | |
|---|---|
| 1) | .227 |
| 2) | .228 |
| 3) | N/A |
| 4) | N/A |

TESTING OFFICER'S ID 40577 PBSO VIDEOTAPE # N/A

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# TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: WOZNICK, WHITNEY D

CASE NUMBER: 23-057799

DATE: Apr 15, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 00:24

ENDING TIME: 00:40

BREATH TESTS RESULTS: 1) .227 TIME 00:29 A.M. ☒ P.M. ☐ 2) .228 TIME 00:32 A.M. ☒ P.M. ☐

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

BREATH OPERATOR: M. GONZALEZ #40577

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

**TESTING OFFICER'S OBSERVATIONS**

SPEECH: PRONOUNCED

ATTITUDE: TALKATIVE, POLITE,

CLOTHING: BLUE JEAN SHORTS, WHITE TOP NO SHOES

MEDICAL CONDITIONS: ALLERGIES

MEDICATIONS: NONE

**OTHER:**

---

**COMMENTS:**

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 23:58 HRS.

SUBJECT: AGREED TO TAKE TEST

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

TECH: READ TEST RESULTS
SUBJECT: STATED HE UNDERSTOOD TEST RESULTS.

A/O: CONDUCTED Q & A
SUBJECT: ANSWERED QUESTIONS

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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:** 2023009924 | **Date:** 4/16/2023 |
| | **Specialist Name/ID:** Pinkneya/7796 |

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