

J-0490372

17014558

P-3712

ADMINISTRATIVE		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile	
Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number (N.T.A.'s only) 06-17111666							
Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Weapon Seized / Type 1. Yes 2. No		Multiple Clearance Indicator							
Location of Arrest (Including Name of Business) Southern Blvd at Jog Rd West Palm Beach FL 33415				Location of Offense (Business Name, Address) Southern Blvd at Jog Rd West Palm Beach FL 33415							
Date of Arrest 08/06/2017		Time of Arrest 22:10		Booking Date		Booking Time		Jail Date		Jail Time	
Name (Last, First, Middle) Almeida		Sex M		Date of Birth 01/04/1968		Height 5'5		Weight 170		Eye Color Bro	
Race W - White I - American Indian B - Black O - Oriental/Asian		Sex M		Date of Birth 01/04/1968		Height 5'5		Weight 170		Eye Color Bro	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Marital Status Married		Religion Catholic		Indication of Alcohol Influence 1. Yes 2. No		Indication of Drug Influence 1. Yes 2. No		Complexion Med	
Local Address (Street, Apt. Number) 2778 Kentucky St		(City) West Palm Beach FL 33406		(State) FL		(Zip) 33406		Phone () () ()		Residence Type 1. City 2. County 3. Florida 4. Out of State	
Permanent Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone		Address Source Verbal	
Business Address (Name, Street)		(City)		(State)		(Zip)		Phone		Occupation	
D/L Number, State C-624-000-68-004-0		Soc. Sec. Number [REDACTED]		INS Number		Place of Birth (City, State) Matanzas, Cuba		Citizenship US			
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		1. Arrested 2. At Large		3. Felony 4. Misdemeanor 5. Juvenile	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		1. Arrested 2. At Large		3. Felony 4. Misdemeanor 5. Juvenile	
Parent N. Legal Custodian Other:		Address (Street, Apt. Number)		(City)		(State)		(Zip)		Residence 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 provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. ☐ Yes, by (Name) ☐ No (Reason)		School Attended		Grade							
Property Crime? ☐ Yes ☐ No		Description of Property		Value of Property							
Drug Activity S. Sell T. Traffic P. Possess		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	
Charge Description DUI		Counts 1		Domestic Violence ☐ Y ☒ N		Statute Violation Number 316.193(1)		Violation of ORD #			
Drug Activity N		Drug Type N		Amount / Unit		Offense # 17111666		Warrant / Capias Number		Bond	
Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number		Violation of ORD #			
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number		Violation of ORD #			
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
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Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Location (Court Room Number, Address) PALM BEACH COUNTY COURTHOUSE CRIMINAL JUSTICE COMPLEX, 3228 GUN CLUB RD, WEST PALM BEACH, FL 33406 - PH: (561) 355-2996		Court Date and Time Month August Day 31 Year 2017 Time 08:30 AM ☒ PM		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 08/06/2017		Signature of Defendant (or Juvenile and Parent /Custodian) [Signature]		Date Signed 08/06/2017			
HOLD for other Agency Name		Signature of Arresting Officer X		Name of Arresting Officer (Print) Inv. J. Schneider		I.D. # 8501		Name of Verifier (Printed by Arresting Officer) SCANNED			
☐ Dangerous ☐ Suicidal		☐ Resisted Arrest ☐ Other:		Name of Arresting Officer (Print) Inv. J. Schneider		I.D. # 8501		Agency PBSO		PAGE 1 OF 1	
Intake Deputy SPAWN		I.D. # 8101		Pouch #		ID # 8501		Agency PBSO		Witness here if subject signed with an "X" 1 OF 1	

OBT Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 3. Request For Warrant 2. N.T.A. 4. Request For Capias		1	Juvenile	N
Agency ORI Number FLO 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE			Agency Report Number 06		17-111666	
Charge Type: Check as many as apply ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other _____		Special Notes						
Defendant Name (Last, First, Middle) Almeida Alberto Cruz					Race W	Sex M	Date of Birth 01/04/1968	
Charge Driving Under Influence					Charge			
Charge					Charge			
Victim Name (Last, First, Middle) State of Florida					Race	Sex	Date of Birth	
Local Address (Street, Apt. Number)		City	State	Zip	Phone		Address Source	
Business Address (Street, Apt. Number)		City	State	Zip	Phone		Occupation	
The undersign 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. ☐ 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 (described) investigation.								
On the <u>6th</u> day of <u>August</u> 20 <u>17</u> at <u>2114</u> ☐ AM ☒ PM								

***** Supplemental Probable Cause*****

On August 6th 2017 at approximately 2114 hours the defendant, Alberto Almeida, did commit the offense Driving Under the Influence (DUI).

I was operating stationary RADAR in the 6500 block of State Road 80, in unincorporated West Palm Beach, within Palm Beach County, monitoring westbound traffic. This is an 8 lane divided roadway and is a posted 50 mph speed zone.

I observed a vehicle traveling in the number 3 lane. I visually estimated this vehicles speed to be 75 mph. I then activated the radar and I received an audio Doppler tone which corresponded to my visual estimation. I then checked the target window and it showed a true speed of 75 mph. I then conducted a traffic stop on the vehicle. I made contact with the driver of the vehicle, whom was the sole occupant of the vehicle, Alberto Almeida. Alberto was identified through his Florida driver's license.

While speaking with the driver, I observed his eyes were blood shot red and he had glassy/water eyes. His speech was slurred and there was an odor of an alcoholic beverage emanating from his mouth. When previously asked for his documentations, Alberto removed his wallet from his pocket, pulled out a blue credit card and stared at it for a moment. Alberto then placed the credit card back in his wallet and began looking for his license. Alberto advised his left foot was cut and bleeding. Alberto refused medical services.

Upon my return to his vehicle, Alberto advised his foot was cut and bleeding. I advised Alberto that he already informed me of his cut foot and asked if he remembered, to which he appeared confused.

DUI Investigator J. Schneider responded to the scene and conducted a DUI investigation, see his report for details.

The driver of the vehicle was issued a written warning for Unlawful Speed (# W2017080621205328). It should be noted I never lost sight of the vehicle.

The foregoing instrument was sworn to and affirmed before me this <u>24th</u> day of <u>July</u> 20 <u>17</u> , by:	
<u>J. Schneider 8501</u> Name of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)	<u>D/S J. Fresneda 26698</u> Name of Arresting/Investigating Officer
<u>[Signature]</u> Signature of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)	<u>[Signature] 26698</u> Signature of Arresting/Investigating Officer
Page 1 of 1	

OBTS Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 2. N.T.A.		3. Request For Warrant 4. Request For Capias		1	Juvenile	N	
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Charge Type: Check as many as apply ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Special Notes									
Defendant Name (Last, First, Middle) Almeida Alberto Cruz		Race W		Sex M		Date of Birth 01/04/1968					
Charge Driving Under Influence		Charge									
Charge		Charge									
Victim Name (Last, First, Middle) State of Florida		Race		Sex		Date of Birth					
Local Address (Street, Apt. Number)		City		State		Zip		Phone		Address Source	
Business Address (Street, Apt. Number)		City		State		Zip		Phone		Occupation	
The undersign 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 committed the below acts, resulting from (described) investigation.											
On the 6th day of August 20 17 at 2114 ☐ AM ☒ PM											

***** Supplemental Probable Cause*****

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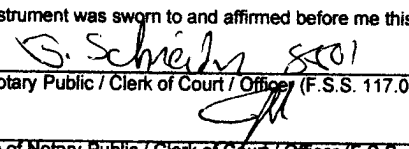
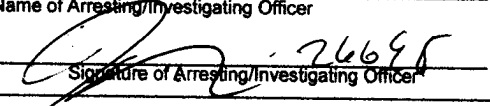
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While speaking with the driver, I observed his eyes were blood shot red and he had glassy/water eyes. His speech was slurred and there was an odor of an alcoholic beverage emanating from his mouth. When previously asked for his documentations, Alberto removed his wallet from his pocket, pulled out a blue credit card and stared at it for a moment. Alberto then placed the credit card back in his wallet and began looking for his license. Alberto advised his left foot was cut and bleeding. Alberto refused medical services.

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DUI Investigator J. Schneider responded to the scene and conducted a DUI Investigation, see his report for details.

The driver of the vehicle was issued a written warning for Unlawful Speed (# W2017080621205328). It should be noted I never lost sight of the vehicle.

The foregoing instrument was sworn to and affirmed before me this 24th day of July 20 17 , by:	
Name of Notary Public / Clerk of Court / Officer (F.S.S. 117.00) S. Schneider 8801	Name of Arresting/Investigating Officer D/S J. Fresneda 26698
Signature of Notary Public / Clerk of Court / Officer (F.S.S. 117.00) 	Signature of Arresting/Investigating Officer 
Page 1 of 1	

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 6 DAY OF August 20 17, AT 21:15 AM ☒ PM

SUBJECT: Almeida Alberto Cruz CASE NUMBER: 17111666

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. J. Schneider

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

Deputy Fresneda #26698 observed a black Camaro in the 6500 block of Southern Blvd traveling 75 in a posted 50. Deputy Fresneda pulled the vehicle south of the intersection of Southern Blvd and Jog Rd. While speaking with the driver Deputy Fresneda smelled the odor of a unknown alcoholic beverage coming from his breath. He also observed his eyes were red, bloodshot, and glossy. Deputy Fresneda contacted me and requested I respond.

OBSERVATION OF DRIVER:

Making the contact with driver I smelled the odor of a unknown alcoholic beverage. Deputy Falcon #28371 provided English/Spanish translation. She advised me he was having difficulty with his speech and I observed he had trouble staying on topic.

DRIVER'S STATEMENTS:

I had beers eariler.

ODORS:

Odor of a unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: Altered

ATTITUDE: Cooperative

CLOTHING: Black shirt, black pants, black sandles

MEDICAL/OTHER:

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. J. Schneider

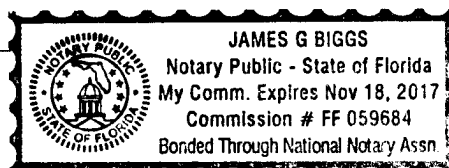
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of August 20 17 by Inv. J. Schneider

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

James Biggs (#7607)

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



SUBJECT: Almeida

Alberto

CASE NUMBER 17111666

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:



LT EYE-LACK OF SMOOTH PURSUIT



RT EYE-LACK OF SMOOTH PURSUIT



LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION



RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION



LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES



RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

WALK & TURN:

While providing the instructions he was unable to maintain the instructional position. Performing the task he advanced ten steps forward, turned, returned ten steps stumbling on number four and raised his arms for balance.

ONE LEG STAND:

While providing the instructions he swayed while standing stationary. Starting the task he kept his foot elevated for the duration but leaned to maintain balance.

FINGER TO NOSE:

While providing the instructions he swayed while standing stationary. Starting the task he failed to tilt his head back and close his eyes. He also kept his finger pressed to his nose on the first two commands contrary to instruction.

ROMBERG ALPHABET:

While providing the instructions he swayed while standing stationary. Starting the task he completed the alphabet

BREATH TEST RESULTS:

1) .094

2) .095

3)

4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. J. Schneider

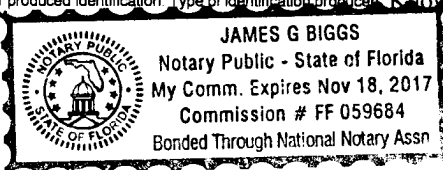
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of August, 2017 by Inv. J. Schneider

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

James Biggs (#7607)

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



WITNESS LIST

CASE NUMBER: 17111666

ARRESTING OFFICER: Inv. J. Schneider

ADDRESS: 3228 Gun Club Rd West Palm Beach FL 33406

PHONE NUMBERS (HOME): _____ (WORK) 561 688-3960

CAN TESTIFY TO: DUI Investigation

NAME: Deputy Falcon #28371

ADDRESS: 3228 Gun Club Rd West Palm Beach FL 33406

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

CAN TESTIFY TO: Spanish Translation, general observations

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) 0 _____ (WORK) 0 _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

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NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

TESTING FACILITY TASK REPORT

AGENCY: PBSO-SCHNEIDER

SUBJECT: CRUZ ALMEIDA, ALBERTO

CASE NUMBER: 17-111666

DATE: Aug 6, 2017

VIDEO DVD NUMBER: 63142

BEGINNING TIME: 2250

ENDING TIME: 2307

BREATH TESTS RESULTS: 1) .094 TIME 2255 A.M. ☐ P.M. ☒ 2) .095 TIME 2258 A.M. ☐ P.M. ☒
3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICIAN: D/S J Karkleck #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SPANISH ACCENT

ATTITUDE: COOPERATIVE

CLOTHING: BLACK SHIRT, BLACK JEANS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY, RED
ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 2230
SUBJECT ADVISED HE WOULD SUBMIT TO THE TEST
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY
RESULTS WERE GIVEN
MIRANDA WAS READ TO SUBJECT
SUBJECT SUBMITTED TO THE QUESTIONS

SUBJECT: Cruz Almeida, Alberto

CASE NUMBER: 17-111666

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 detecting the presence of chemical or controlled substances.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and 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 fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S 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) Read on Camera

SUBJECT: Cruz Almeida, Alberto

CASE NUMBER: 17-111666

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? Yes

WHERE WERE YOU GOING? Girl/friends house

WHAT STREET OR HIGHWAY WERE YOU ON? Southern Blvd

DIRECTION OF TRAVEL? South WHERE DID YOU START? Best friends house

WHAT TIME DID YOU START? Don't remember WHAT TIME IS IT NOW? 2230-2300

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

WHAT COUNTY AND CITY ARE YOU IN NOW? Lake Worth

WHEN DID YOU LAST EAT? Pizza, Ribs WHAT DID YOU EAT? 1830-1700

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Going home

HOW MUCH DO YOU WEIGH? 180 HAVE YOU BEEN DRINKING? Yes WHAT? 2 Beers

HOW MUCH? 2 WHERE? Peanut Island WITH WHOM? Friends Stella

WHEN DID YOU HAVE YOUR FIRST DRINK? 1600-1700 AND YOUR LAST DRINK? 1800

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Quickly

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? No ARE YOU UNDER THE INFLUENCE? No

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

WHAT? — WHERE? — WHEN? —

WHAT LINE OF WORK ARE YOU IN? FPL (subcontractor) WHEN DID YOU LAST WORK? Saturday

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? No WHAT? — WHEN? —

DO YOU HAVE:

EPILEPSY? —

GLASS EYE? —

FALSE TEETH? —

EAR INFECTION? —

INNER EAR TROUBLE? —

DIABETES? —

No

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? Catarac

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

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

INTERVIEWER: J Falcon #28371



Operation of a motor vehicle requires consent to any sobriety test required by law.

NOT A CERTIFIED