

0493768 NR 176121593175

ARREST / NOTICE TO APPEAR

OBTS Number

Agency ORI Number 0501700 Agency Name Jupiter Police Department Agency Report Number (N.T.A.'s only) 5, 4 17-005710

Charge Type: 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other

If Weapon Seized Enter Type NONE Multiple Clearance Indicator 01

Location of Arrest (Including Name of Business) 249 CENTER ST, JUPITER FL Location of Offense (Business Name, Address) 249 CENTER ST, JUPITER, FL 33458

Date of Arrest 11/30/2017 Time of Arrest 18:01 Booking Date 11/30/2017 Booking Time 18:11 Jail Date Jail Time Location of Vehicle EAST COAST TOWING

Name (Last, First, Middle) SWALM, ALYSHA MARIE Alias: Alias (Name, DOB, Soc. Sec. #, Etc.)

Race W - White I - American Indian B - Black O - Oriental/Asian Sex F Date of Birth 12/02/1992 Height 5'05 Weight 110 Eye Color BROW Hair Color BROW Complexion LIGHT Build Thin

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) Marital Status S Religion Indication of Alcohol Influence Drug Influence Yes No Unk

Local Address (Street, Apt. Number) (City) (State) (Zip) Phone 16415 PRAIRIE HAVEN CT, CYPRESS, TX 77429

Permanent Address (Street, Apt. Number) (City) (State) (Zip) Phone 16415 PRAIRIE HAVEN CT, CYPRESS, TX 77429

Business Address (Name, Street) (City) (State) (Zip) Phone Address Source DL

Occupation

D/L Number, State 38530497 / TX Soc. Sec. Number INS Number Place of Birth (City, State) SAN LOUIS, CA 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 Other: Name (Last, First, Middle) Residence Phone

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

Notified by: (Name) Date Time JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated

Released To: (Name) Relationship Date Time

The above address was provided by defendant and/or defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.

Property Crime? Yes No Description of Property Value of Property

Drug Activity S. Sell R. Smuggle K. Disperse/Distribute M. Manufacture/Produce/Cultivate Z. Other Drug Type 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 Description DUI - DRIVING WHILE UNDER INFLUENCE (Enhanced - over .15) Statute Violation Number 316.1934 Violation of ORD #

Drug Activity Drug Type Amount / Unit Offense # 17-005710 Counts Domestic Violence Warrant / Capias Number Bond

Charge Description Statute Violation Number Violation of ORD #

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

Charge Description Statute Violation Number Violation of ORD #

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

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

Check which applies: Released O.R. Released to Parent/Guardian T.O.T. County Jail PROPERTY - Received By Released By Released To

Transported By Date Transported Time Transported Other

INSTRUCTION NO. 1 - Mandatory appearance in court INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2. Location (Court, Room) North County PALM BEACH GARD Court Date and Time 01/03/2018 08:30:00

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.

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

HOLD for Other Agency Signature of Arresting Officer Name Verification (Printed by Arrestee)

Dangerous Resisted Arrest Suicidal Other Name of Arresting Officer (Print) I.D. # 1138 (PRINT)

Intake Deputy I.D. # Pouch # Transporting Officer I.D. # Agency JPD

Witness here if subject signed with an "X".

PAGE 1 OF 1

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 30th DAY OF November 20 17, AT 1729 AM ☒ PM

SUBJECT: Swalm Alysha Marie CASE NUMBER: 17-005710

AGENCY: JUPITER POLICE DEPARTMENT ARRESTING OFFICER: PFC Borrows 380 / 1138

PERSONAL CONTACT

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

I responded to the area of 249 Center Street in reference to a female apparently passed out in a vehicle. It was not known if she was breathing. I responded to the area with lights and sirens activated. Upon my arrival, I was directed by a person on scene to a 2009 Chevrolet four door bearing Texas License Plate DY3X889. 249 Center Street is a two story apartment building with marked parking spaces in front. A male on scene identified himself as a resident and advised me that the vehicle was in his parking spot and that he did not know the vehicle or the person in it. There was a female, later identified to me as Alysha Swalm in the driver's seat. The vehicle was running. I shined my flashlight in the vehicle and directly at Swalm's face. She did not react. Swalm was wearing a black shirt and I was unable to see if she was breathing. I knocked once on the door. I then saw it was unlocked. Based on the information transmitted to me over the radio and my observations on scene, I opened the door with the safety of Swalm as my primary concern. Swalm woke up when her leg moved due to the opening of the door. I was overwhelmed with the strong smell of an unknown alcoholic beverage coming from within the vehicle. I noticed the vehicle was running. I asked Swalm if she was OK. Swalm said she was and told me she was napping. I asked Swalm if she had any medical conditions. Swalm indicated she did not. I noticed Swalm was slow in her movements and appeared somewhat disoriented. I asked Swalm for her driver's license. Swalm had difficulty manipulating her purse and when moving small objects.

OBSERVATION OF DRIVER:

Swalm took her sunglasses off and I noticed she had bloodshot, glassy eyes. Swalm was calm and cooperative with me. Swalm was slurring her speech.

DRIVER'S STATEMENTS:

Swalm stated she'd been drinking earlier in the day. Swalm stated that she stopped driving because she realized she wasn't OK to drive. Swalm added she felt fine now and would pass any tests.

ODORS:

Strong odor of unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Cooperative, friendly

CLOTHING: Black t-shirt, flip flops

MEDICAL/OTHER: None

STATE OF FLORIDA
COUNTY OF PALM BEACH

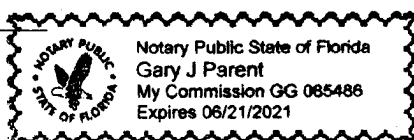
PFC Borrows 380 / 1138

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 30th day of November 20 17 by PFC Borrows 380 / 1138

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

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



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:

VGN Present. Swalm was swaying visibly during the task.

WALK & TURN:

Swalm lost her balance in the starting position several times. She had great difficulty following the starting instructions and attaining and maintaining the starting position. Swalm also started early several times. Swalm started the task, lost her balance and asked for a minute. After that, Swalm started the task. Swalm used her arms for balance and stepped off the line several times. Swalm missed heel to toe on every step. Swalm also stopped walking to gain her balance. Swalm completed the first series of steps and simply stopped. Swalm did not return but stood with her hands on her hips.

ONE LEG STAND:

Swalm raised her right foot. Swalm placed her foot down on 1000-1 and 1000-6. At 1000-9 Swalm began to hop and again placed her foot down. Swalm picked her foot down and put it back down. Swalm then started counting "1 - 10, 1 - 20, etc) to 1-60 when she put her foot down again. Swalm also used her arms for balance several times during the task. Swalm was swaying visibly during the task. Swalm's performance on the Walk and Turn and One Leg Stand was exceptionally poor.

FINGER TO NOSE

L1: Swalm used the pad of her finger. R2: Swalm used the pad of her finger. Swalm lost her balance and had to take several steps to regain it. L3: Swalm used the pad of her finger. R4: Swalm used the pad of her finger. R5: Swalm used the pad of her finger and touched her nose over her left nostril before moving it to the tip. L6: Swalm touched the tip of her nose with the pad of her finger near the first knuckle from the tip.

ROMBERG ALPHABET:

Swalm stated the alphabet correctly to P but then stopped. Swalm was unable to remember how to continue and said she couldn't do it without singing it. I then placed Swalm under arrest for DUI.

BREATH TEST RESULTS: .327 .320

STATE OF FLORIDA
COUNTY OF PALM BEACH

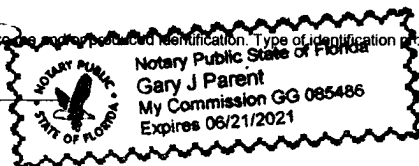
PFC Borrows 380 / 1138

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 30th day of November, 2017 by PFC Borrows 380 / 1138

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

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



**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: 11/30/2017

Date of Last Agency Inspection: 11/17/2017

Observation Period Began: 18:43

Subject's Name: ALYSHA M SWALM

DOB: 12/02/1992 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	19:15
	Air Blank	0.000	19:15
	Control Test	0.081	19:16
	Air Blank	0.000	19:16
	Subject Sample #1	0.327	19:17
	Air Blank	0.000	19:18
	Air Blank	0.000	19:19
	Subject Sample #2	0.320	19:20
	Air Blank	0.000	19:21
	Control Test	0.079	19:21
	Air Blank	0.000	19:22
	Diagnostics Check	OK	19:22

Cylinder Lot: 12317080A3
Exp: 07/05/2019

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 GARY J PARENT, 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: 11-30-17
Signature

Sworn to (or affirmed) before me this 30th day of November, 2017

9.4.58 Signature of Notary Public-State of Florida
Ofc. A. Borrows 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.

TESTING FACILITY TASK REPORT

AGENCY: JPD

SUBJECT: Swalm, Alysha M

CASE NUMBER: 17-157915

DATE: 11-30-17

VIDEO TAPE NUMBER: NIA

BEGINNING TIME: 19:12

ENDING TIME: 19:24

BREATH TESTS RESULTS: 1) .327 TIME 19:17 A.M./P.M. 2) .390 TIME 19:20 A.M./P.M.
3) NIA TIME — A.M./P.M. 4) NIA TIME — A.M./P.M.

BREATH OPERATOR: C. Parent 7909

MAINTENANCE TECHNICIAN: J. Karleche 64167

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Talkative, calm, cooperative, friendly, forgetful.

CLOTHING: Long sleeve shirt, Driving suit, black flip flops

MEDICAL CONDITIONS: 'Is in what terms?' NO

MEDICATIONS: None

OTHER: Eyes glossy bloodshot Pupils dilated slight Orbital Swelling.
Order of unusual alcoholic beverage on breath.

COMMENTS: Arrived at Center, A/O began 30 minute
Observation Period at 18:43 hrs.

A agreed to take test.

A/O read Rights

A stated she understood Rights

Tech read Breath Test Results, A said 'so I'm under right'
Tech advised her she was over the limit.

A/O did not contact A/A.

SUBJECT: Swain, Alysha M CASE NUMBER: 17-005710

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