

P#2138

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 13TH DAY OF AUGUST 20 19, AT 01:47 ☒ AM ☐ PM
SUBJECT: TIWARI ALYSSA DEVI SAWH CASE NUMBER: 19103460

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Corporal R Soriano
PERSONAL CONTACT

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

On Tuesday, August 13, 2019 at approximately 01:47 hours, I was conducting proactive traffic enforcement in the 6000 block of State Road 80 in unincorporated Palm Beach County. I was parked on the west bound (northern) shoulder and my vehicle was facing eastbound. I was monitoring traffic for unlawful speed, when I observed a blue hatch back vehicle traveling eastbound on State Road 80 at a high rate of speed. The vehicle was visually estimated to be traveling 80 mph in a posted 50 mph speed zone. I heard a high pitch sound coming from my radar's audio Doppler and a confirmation speed of 82 mph in a posted 50 mph speed zone. I proceeded after the vehicle maintaining visual and received a steady display of 82 mph in the target window with a steady audio Doppler. I overtook the vehicle's speed and conducted a traffic stop in the eastbound left turn lane of State Road 80 at Kirk Road.

OBSERVATION OF DRIVER:

As I exited my patrol car, I approached the vehicle on the driver side and met with the driver who I observed was a black female wearing a black shirt and camouflage pants, lime green socks and black slides. While speaking with driver, I observed her movements were slow and she was crying because she stated she broke up with her boyfriend. I asked her for her license registration and insurance and she was unable to provide me with any. The female identified herself as Alyssa Devi Sawh Tiwari which I later confirmed via PBSDO dispatch. I discovered that Tiwari's license was suspended for not paying a traffic fine. I asked her if she had consumed any alcoholic beverages tonight and she answered "no." I explained to Tiwari that I was stopping her for unlawful speed of 82 miles per hour (MPH) in a posted 50 mph speed zone. Tiwari became argumentative and stated she was not speeding. I detected a strong odor of an unknown alcoholic beverage coming from within the vehicle. I noticed Tiwari was slurring her words and had red and glossy eyes. I asked her to step out of the vehicle. Once out of the vehicle I told Tiwari that I could detect a strong odor of an unknown alcoholic beverage coming from her breath and I was under the suspicion that she may have consumed an unspecified amount of unknown alcoholic beverages which may have impaired her ability to operate a motor vehicle safely. Furthermore, I asked her if she was willing to submit to standardized field sobriety task (SFST's) to disprove my suspicion and I could make sure she was O.K. to drive and continue about her way.

DRIVER'S STATEMENTS:

Prior to beginning SFST's, I asked Tiwari if she had been drinking or used any drugs. Tiwari answered "no." I then asked Tiwari if she had any medical problems and/or previous injuries she had and she answered "no." I asked Tiwari if she wore any glasses or contacts to correct her vision and she answered "no." I asked Tiwari if she takes any medications and she appeared confused and then answered "no."

ODORS:

Obvious odor of an unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: slurred, thick, slow, unclear

ATTITUDE: calm, compliant, upset, angry, crying, aggressive

CLOTHING: wearing camouflage pants, green socks, black slides and black shirt

MEDICAL/OTHER: NONE

STATE OF FLORIDA
COUNTY OF PALM BEACH

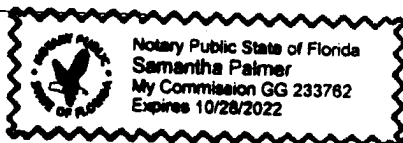
Corporal R Soriano

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13th day of AUGUST 20 19 by Corporal R Soriano

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

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



SCANNED
AUG 14 2019

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:

HGN: Once positioned in the front of my vehicle, I continued my investigation. I instructed Tiwari to keep her hands by her side, stand with her feet together, and follow a red light stimulus with her eyes not turning her head. I asked her if she understood my instructions. Once Tiwari verbally stated she understood my instructions the task was performed. I observed both eyes to be red, bloodshot, and glossy. Her left and right eye displayed equal pupil size, equal tracking, and a lack of smooth pursuit. I observed distinct and sustained nystagmus was present in both her left and right eye at maximum deviation during two separate four second evaluations. The onset of nystagmus was prior to a 45 degree angle in both her left and right eye during two separate four second evaluations. Vertical nystagmus was not present in both the left and right eye during two separate four second evaluations. While conducting the task I had to remind her to keep hands by her side, not turn her head and follow the stimulus multiple times.

WALK & TURN:

I positioned Tiwari on a yellow line created using yellow duct tape, which was on a smooth and level surface, free of any debris and well lit by the headlights on my vehicle and nearby street lighting. I instructed Tiwari to place her left foot on the line and her right foot in front of the left touching heel to toe. I instructed her that she was to keep her hands at her side and stay in this position until I instructed her to do otherwise. Once placed into the instructed position, I observed that she was having a hard time maintaining that position and was shaky on her feet. I explained and demonstrated the rest of the task. During the task, I observed Tiwari swayed while balancing, stopped walking to steady self, did not touch heel to toe, stepped off the line twice. Used arms to maintain balance (+6"), did not turn properly as she lost her balance, did not turn as instructed and took incorrect number of steps.

ONE LEG STAND:

I placed Tiwari with her feet together and arms at her side. Once Tiwari was placed into the instructed position, I explained and demonstrated the rest of the task. Once Tiwari stated she understood, the task was performed. During the task, I observed, Tiwari could not maintain the instructed position, she swayed while standing stationary. While raising her foot she swayed while balancing, hopped, put foot down twice within 30 seconds and was shaky on her foot.

FINGER TO NOSE:

I instructed Tiwari to stand with her feet together, make each hand into a fist keeping, extended her index fingers and to place her palms facing up. She was instructed to lower her arms by her side. I instructed and demonstrated the proper hand and arm position and for her to remain in this position while I demonstrated the rest of the task. I instructed and demonstrated her to tilt her head back approximately 45 degrees and close her eyes while waiting for a verbal command of left or right. On the command of "left" or "right", she would raise the requested hand, touch the tip of her finger to the tip of her nose, then bring her hand immediately back down to her side. During the instruction and demonstration of the task she swayed while standing in the instructional position. I asked her if she understood the instructions I provided and she verbally stated she understood. I instructed her to start the task as explained. During the task, I observed Tiwari did not keep eyes closed, failed to return arms to side, correct finger did not touch tip of nose on two right commands.

ROMBERG ALPHABET:

I verbally inquired if Tiwari could recite the entire English alphabet. She stated she was able to recite the English alphabet and I instructed her to place her feet together with her arms at her side and stay in this position until told to do otherwise. I instructed her that upon starting she was to tilt her head back approximately 45 degrees and close her eyes. She would begin to state the alphabet in a slow and methodical manner without singing or rhyming it. I asked her if she understood the instructions and she verbally replied she understood. During the instructions she continued to sway while standing stationary. I instructed Tiwari to start the task as explained. During the task, I observed she swayed more than (+2") from side to side, from front to back and completed task as instructed.

BREATH TEST RESULTS: 1) REFUSAL 2) REFUSAL 3) 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

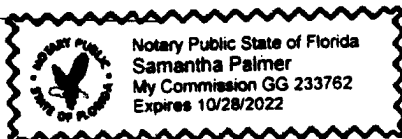
Corporal R Soriano

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13th day of AUGUST, 2019 by Corporal R Soriano

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

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

SCAN
AUG 16

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 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) _____

SUBJECT: 10/1/83 11:11 PM

CASE NUMBER: 17-11-1416

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: 18V 11/1/83 11:14

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, **Corporal R Soriano**, a duly certified Law Enforcement Officer or Correctional Officer,
 (Name of Officer reading Implied Consent Warning)

am a member of **Palm Beach County Sheriff's Office**, and I do swear
 (Name of law enforcement agency)

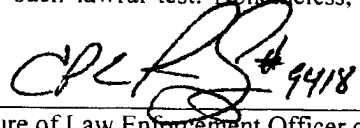
or affirm that on or about the **13th** day of **AUGUST**, 20 **19**, at **02:17** ☐ P.M. ☒ A.M.

DRIVER **ALYSSA** **DEVI SAWH** **TIWARI**
 (Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

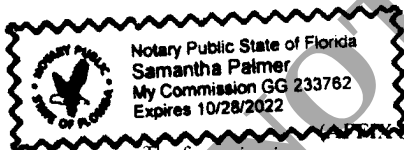
DL# **T600004959670**, state of **FLORIDA**, was placed under lawful arrest for
 the offense of **D.U.I.** by **Corporal R Soriano** and
 issued Citation # **A2G491P**
 (Name of Arresting Officer)

That on or about the **13** day of **AUGUST**, 20 **19**, at **02:52** ☐ P.M. ☒ A.M.
 in **PALM BEACH** County.

I requested that the driver submit to a ☒ **breath and/or** ☐ **urine** test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.


 Signature of Law Enforcement Officer or
 Correctional Officer

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

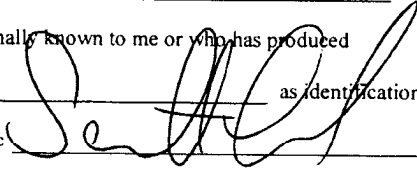


The foregoing instrument was sworn and subscribed before

me this **13th** day of **AUGUST**, 20 **19**.

by **Corporal R Soriano**

who is personally known to me or who has produced
KNOWN as identification

Notary Public 

HSMV-BAR1001 (REV. 10/2016)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated
 Bureau of Administrative Reviews office,
 Department of Highway Safety and Motor
 Vehicles, with the driver's license, the
 appropriate copy of the UTC, and the
 probable cause affidavit.

TESTING FACILITY TASK REPORT

AGENCY: PBSO/SORIANO

SUBJECT: TIWARI, ALYSSA

CASE NUMBER: 19-103460

DATE: Aug 13, 2019

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0251

ENDING TIME: 0253

BREATH TESTS RESULTS: 1) R TIME 0252 A.M. ☒ P.M. ☐ 2) XX TIME XX A.M. ☐ P.M. ☐
3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICIAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED,

ATTITUDE: SNOTTY, UNCOOPERATIVE, ARGUMENTATIVE, INSULTING, VULGAR

CLOTHING: BLACK SHIRT, CAMO PANTS, BLACK SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: GLASSY AND BLOODSHOT,

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0230
SUBJECT REFUSED TO ANSWER CAMERA FORMAT QUESTIONS AND TAKE BREATH TEST
A/O READ I/C
SUBJECT REFUSED TO ACKNOWLEDGE IF SHE UNDERSTOOD I/C
SUBJECT AGAIN REFUSED TO TAKE BREATH TEST @ 0252
A/O READ RIGHTS BUT DID NOT CONDUCT Q&A

WITNESS LIST

CASE NUMBER: 19103460

ARRESTING OFFICER: Corporal R Soriano

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

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

CAN TESTIFY TO: FACTS OF CASE AND INVESTIGATING SUCH CASE

NAME: _____

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

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

CAN TESTIFY TO: FACTS OF CASE

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: _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

IN
51



**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:	

REVIEW COMPLETED BY

Booking Number: 2019026408

Date: 8/13/2019

Specialist Name/ID: Gammage/5660