

Jct # 0500217		Agency ORI Number 0500800		Agency Name West Palm Beach Police Department		Agency Report Number (NTA's only) 9, 4, 2018-0012597	
Charge Type Check as many as apply ☐ 1 Felony ☐ 2 Traffic Felony ☒ 3 Misdemeanor ☐ 4 Traffic Misdemeanor ☐ 5 Ordinance ☐ 6 Other		Location of Arrest (Including Name of Business) 2421 OKEECHOBEE BLVD WTPB, FL 33409		Location of Offense (Business Name Address) 2421 OKEECHOBEE BLVD, WEST PALM BEACH, FL 33409		If Weapon Seized Enter Type NOT APPLICABLE	
Date of Arrest 07/29/2018		Time of Arrest 01:32		Booking Date 07/29/2018		Booking Time 01:42	
Name (Last, First, Middle) ALVAREZ, ANDREW ARNOLD		Alias (Name, DOB, Soc Sec #, Etc.)		Date of Birth 03/25/1988		Height 5'05	
Race W - White B - Black O - Oriental Asian W		Sex M		Weight 145		Eye Color HAZE	
Hair Color BROW		Complexion MEDIUM		Build Medium		Indication of Alcohol Influence Yes ☐ No ☐ Unknown ☐	
Scars, Marks, Tattoos (Unique Physical Features) (Location Type Description)		Marital Status S		Religion UNKNOWN		Residence Type 1 City 2 County 3 Florida 4 Out of State 4	
Local Address (Street, Apt. Number) 615 STONEWAY DR, SAN ANTONIO, TX 78258		(City)		(State)		(Zip)	
Permanent Address (Street, Apt. Number) 615 STONEWAY DR, SAN ANTONIO, TX 78258		(City)		(State)		(Zip)	
Business Address (Name, Street) TX DL		(City)		(State)		(Zip)	
D/L Number, State 22764132 / TX		Soc Sec Number		INS Number		Place of Birth (City, State) TX, United States	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth	
☐ Parent ☐ Legal Custodian		Name (Last, First, Middle)		Residence Phone		Business Phone	
Address (Street, Apt. Number)		(City)		(State)		(Zip)	
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.		School Attended		Grade		Value of Property	
☐ Yes by ☐ No		Property Crime? ☐ Yes ☒ No		Description of Property		Value of Property	
Drug Activity S Sell B Buy P Possess		S Sell B Buy T Traffic		R Smuggle D Deliver E Use		A Dispense D Distribute	
M Manufacture P Produce C 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		L Unknown Z Other			
Charge Description DRIVING WHILE UNDER INFLUENCE		Statute Violation Number 316.193(1)		Violation of ORD #		Bond OR	
Drug Activity N		Drug Type		Amount Unit		Offense #	
Count		Domestic Violence ☐ Y ☒ N		Warrant Capas Number		Bond	
Charge Description		Statute Violation Number		Violation of ORD #		Bond	
Drug Activity		Drug Type		Amount Unit		Offense #	
Count		Domestic Violence ☐ Y ☒ N		Warrant Capas Number		Bond	
Charge Description		Statute Violation Number		Violation of ORD #		Bond	
Drug Activity		Drug Type		Amount Unit		Offense #	
Count		Domestic Violence ☐ Y ☒ N		Warrant Capas Number		Bond	
Health / Apparent Physical Condition of Defendant		Any knowledge of the following Explain		☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries			
Check which applies ☐ Released OK ☐ Released to Parent/Guardian ☐ FUI County Jail ☐ Posted Bond ☐ South County Mental Health		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) Criminal Justice CRIMINAL JUSTICE COMPLEX		Court Date and Time 08/23/2018 08:30:00		3228 GUN CLUB ROAD	
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 WILL 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) Unable to Sign		Date Signed		No Photo Available	
HOLD for Other Agency		Signature of Arresting Officer ANNESE MORRIS J.		Name Verification (Printed by Arrestee) ANNESE MORRIS J.		PAGE 1 OF 1	
☐ Dangerous ☐ Suicidal		☐ Resisted Arrest ☐ Other		ID # 01418		Agency WPBPD	
Intake Deputy DE THOMPSON		Pouch #		ID # 1418		Agency WPBPD	

DUI PROBABLE CAUSE AFFIDAVIT

On the 29TH Day of July 2018 at 0132 A.M. P.M.
Subject: Alvarez, Andrew Arnold Case Number: 18-12597
Agency: West Palm Beach Police Department Arresting Officer: Ofc M. Annese 1418

Personal Contact

Driving Pattern

Actual physical control (physical evidence putting the driver behind the wheel)

WPBPD officers were conducting a DUI investigation in the drive thru of the McDonalds at 2421 Okeechobee Blvd. A red Nissan pulled into the drive thru behind another vehicle that was behind the DUI vehicle. When Ofc Elliott met with the driver of this vehicle to get him to move to another drive thru lane, he found the driver passed out behind the wheel. The vehicle was running and in drive.

Observation of Driver

Ofc Elliott made contact with the driver. He noticed the driver was passed out behind the wheel. Ofc Elliott woke the driver up and had him put the vehicle into park. When asked he asked the driver to turn the vehicle off, he was not responding and following directions. Ofc Elliott had to reach in and turn the vehicle off. Ofc Elliott said the driver had very slow lethargic movements. He had glassy eyes and slurred speech.

Ofc Zangara stood by with the driver. He also saw the driver passed out behind the wheel. Ofc Zangara asked the driver for his ID but he could not find it and it was on the floor by his feet. Ofc Zangara noticed the driver was sweating and had glassy eyes.

When I met with the driver, He was in the driver's seat and leaning forward. His eyes were closed. When he looked at me, he gave a blank stare. I noticed his eyes were very glassy and his speech was slurred and slow as he spoke. I also noticed a strong odor of unknown alcoholic beverages on his breath. The driver swayed while standing and when he walked over to my vehicle, Ofc Zangara had to hold onto him so he did not fall down.

Drivers Statements:

The driver said he drank 4 glasses of wine at City Place. The driver did not know what hotel he was staying at when asked where he was staying.

Odors:

Strong odor of unknown alcoholic beverages on the driver's breath.

General Observations

Speech: very slow and slurred

Attitude: cooperative

Clothing: blue shorts, blue colored shirt, white flip flops

Medical Problems/Medications: none stated

Other:

DUI PROBABLE CAUSE AFFIDAVIT

Subject:

Alvarez, Andrew Arnold

Case Number:

18-12597

Roadside Tasks

Horizontal Gaze Nystagmus

- | | |
|--|---|
| ☒ Left Eye Does Not Follow Smoothly | ☒ Right Eye Does Not Follow Smoothly |
| ☒ Left Eye Jerks at 45 Degree Angle or Less | ☒ Right Eye Jerks at 45 Degree Angle or Less |
| ☒ Distinct Jerking Left Eye at Maximum Deviation | ☒ Distinct Jerking Right Eye at Maximum Deviation |

Upon starting this task, I showed him how I wanted him to follow the light. The driver did not follow the pen light with his eyes. I observed the driver swaying during the exercise.

Walk and Turn Task

I instructed the driver to stand with his left foot on the line and put his right foot in front of it with his right heel touching his left toe. The driver had difficulty maintaining this position and kept stepping off the line. He raised his arms for balance. The driver was instructed to keep his hands down by his sides and was told to remain in that position until told to begin. I explained and demonstrated the exercise and he said he understood the instructions. On the first 9 steps, the driver missed step 1 with a 4-6 inch space between heel to toe. He missed step 2 with a 1-2 inch space between heel to toe. The driver missed heel to toe on the rest of the steps with a 2-4 inch space between heel to toe. The driver also took 11 steps and stopped. He said he understood the instructions but did not turn. The driver then just turned around and took 8 steps back with a 6-8 inch space between heel to toe. The driver also raised his arms more than 6 inches for balance.

One Leg Stand

I had the driver stand with his feet together and hands down at his sides. I explained and demonstrated the exercise and he stated he understood the instructions. When told to begin, the driver lifted his left foot off the ground. The driver swayed while balancing, raised his arms more than 6 inches for balance and put his foot down 3 time. The driver did not count out loud and raised his foot 8-12 inches with his toes pointed up.

Finger To Nose

I had the driver stand with his feet together, hands down at his sides and index fingers pointed out. The driver had extreme difficulty with putting his index finger out and kept using other fingers but eventually was able to do it. I explained and demonstrated the exercise and he stated he understood the instructions. I asked the driver to tilt his head back and close his eyes. On the first left, the driver raised his hand up but did not touch his nose. He held it between his nose and eye. On the first right, the driver raised his hand up but did not touch his nose. He held it between his nose and eye. On the next left, the driver raised his hand up but did not touch his nose. He held it between his nose and eye. On the next right, the driver raised his hand up but did not touch his nose. He held it between his nose and eye. On the next left, the driver raised his hand up but did not touch his nose. He held it between his nose and eye. On the next right, the driver raised his hand up but did not touch his nose. He held it between his nose and eye. The driver did not keep his head back or keep his eyes closed. He would stare at his finger.

Romberg Balance

Breath Results from Instrument

1st Result

Refused

2nd Result

Refused

3rd Result

If Applicable

State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this

(DATE)

☒ Personally Known

☐ Produced Identification

☐ Notary Public

D/S [Signature] Notary / Clerk of Courts / Officer (FSS: 117.10)

[Signature] Signature of Arresting Officer

West Palm Beach Police Department

600 Banyan Blvd
West Palm Beach, Florida 33401
(561)822-1900

Witness List:

Arresting Officer: Ofc Morris J Annese **Case Number:** 18-12597
Address: (West Palm Beach Police Department) 600 Banyan Blvd, West Palm Beach, FL 33401
Phone Number **Home:** **Cell:** **Work:** (561)822-1900
Can Testify to: DUI PC

Witness Name: Ofc Kyle Elliott 1851 **Case Number:** 18-12597
Address: West Palm Beach Police Department) 600 Banyan Blvd, West Palm Beach, FL 33401
Phone Number **Home:** **Cell:** **Work:** 561-822-1900
Can Testify to: witness/assisting officer

Witness Name: Ofc Jason Zangara 1673 **Case Number:** 18-12597
Address: West Palm Beach Police Department) 600 Banyan Blvd, West Palm Beach, FL 33401
Phone Number **Home:** **Cell:** **Work:** 561-822-1900
Can Testify to: witness/assisting officer

Witness Name: Ofc Ronald Mcginley 1617 **Case Number:** 18-12597
Address: West Palm Beach Police Department) 600 Banyan Blvd, West Palm Beach, FL 33401
Phone Number **Home:** **Cell:** **Work:** 561-822-1900
Can Testify to: witness/assisting officer

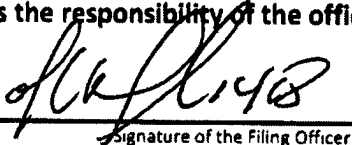
Witness Name: **Case Number:** 18-12597
Address:
Phone Number **Home:** **Cell:** **Work:**
Can Testify to:

Witness Name: **Case Number:** 18-12597
Address:
Phone Number **Home:** **Cell:** **Work:**
Can Testify to:

VI. Information or evidence to be supplied later:

Item(s):
Date will be furnished:
Why not supplied at filing:

Note: It is the responsibility of the officer filing the case to insure that the foregoing list is complete and correct


Signature of the Filing Officer

7/29/18

Date

DEFENDANT: Alvarez, Andrew ArnoldCASE NUMBER: 18-12597

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 OPERATION A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT: No sir

WHERE WERE YOU GOING? home

WHAT STREET OR HIGHWAY WERE YOU ON? no

DIRECTION OF TRAVEL? west WHERE DID YOU START FROM? west

WHAT TIME DID YOU START? multiple hours WHAT TIME IS IT NOW? not sure

WHAT IS TODAY'S DATE? 2-21-210 WHAT DAY OF THE WEEK IS IT? 24 0 06

WHAT COUNTY AND CITY ARE YOU IN NOW? West Palm Beach County

WHEN DID YOU LAST EAT? couple hours ago WHAT DID YOU EAT? what ever they asked me to eat

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE(3) HOURS? trying to make it somewhat bearable

HOW MUCH DO YOU WEIGHT? 326 HAVE YOU BEEN DRINKING? no WHAT? trying to drink nothing

HOW MUCH? no WHERE? no answer WITH WHOM? friends

WHEN DID YOU HAVE YOUR FIRST DRINK? 4pm AND YOUR LAST DRINK? 9pm

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? don't know

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? No sir

ARE YOU UNDER THE INFLUENCE? No sir

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? no HOW MUCH? no

WHAT? no WHERE? no WHEN? no

WHAT LINE OF WORK ARE YOU IN? health care

WHEN DID YOU LAST WORK? Friday

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? No sir WHAT? no

ARE YOU SICK OR INJURED? No sir WHAT'S WRONG? no

DO YOU LIMP? No sir DID YOU RECEIVE A BUMP ON YOUR HEAD RECENTLY? No sir

WERE YOU IN AN ACCIDENT TODAY? No sir

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? No sir WHEN? no

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No sir WHO? no WHEN? no

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? No sir WHAT? no WHEN? no

DO YOU HAVE:

EPILEPSY? No sir

GLASS EYE? No sir

FALSE TEETH? No

EAR INFECTION? No sir

INNER EAR TROUBLE? No

DIABETES? No sir

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTABLE BY GLASSES? No sir

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

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

INTERVIEWER: Ofc M. Annese 1418

TESTING FACILITY TASK REPORT

AGENCY: WPB

SUBJECT: Alvarez, Andrew A

CASE NUMBER: 18-102473

DATE: 07/29/18

VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 02:18

ENDING TIME: 02:33

BREATH TESTS RESULTS: 1) R TIME 02:21 (A.M.)/P.M. 2) N/A TIME — A.M./P.M.
3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.

BREATH OPERATOR: K. Mounihan #22079

MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Lethargic, Sleeping, Fidgety, Dozing off, Sweating, Cooperative

CLOTHING: Blue shorts, Blue short sleeve collared shirt, White slides

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER: Eyes glassy, unsteady on feet.

COMMENTS: Arrived at Testing Center, ALO began 20 minute
Observation Period at 01:53 hrs.

REFUSED

Δ refused to take test

ALO read I/c

Δ stated he understood I/c and again Refused to take
test.

ALO read Rights

Δ stated he understood his Rights

ALO conducted Q+A

Δ Answered Questions

REFUSED

SUBJECT: Alvarez, Andrew A 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) _____

Read on Camera

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