



# Arrest Report

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

0503400

2167

Report Date / Time 11/29/2018 4:06:52AM	Report Number FHP99ARR776480	Case Number/CAD Number FHPK18OFF086955/ LWRC18CAD216088	Reporting Officer Name K. GARCIA
Originating Agency ORI FL0509000	Occurrence Date Time Range 11/29/2018 2:44:09 AM -	Jurisdiction	Clearance

### Location of Occurrence

Location Type OTHER	Location Description STATE ROAD 7 JSOF GLADES		
Street Number SR7/SOF GLADES	Apt/Lot/Bldg		
County PALM BEACH	City BOCA RATON	State FL	Zip 33428

Defendant		First Name ANTONIO	Middle Name	Last Name PEZZUTO	Suffix	Date Of Birth 12/19/1966	Age 51	Race WHITE	Sex MALE
SSN [REDACTED]	MNI #	Place of Birth NEW YORK CITY, FL, USA			Height 507	Weight 160	Hair GRY	Eyes BLU	
DL or ID Number P230000664590	ID State FL	ID Type E	Address Type RESIDENCE						
Street Number 18217	Street CLEAR BROOK CIR							Apt/Lot/Bldg	
County PALM BEACH	City BOGA RATON	State FL	Zip 33428	Phone Number	Extension				
Location Description STATE ROAD 7 JSOF GLADES RD									

Arrest		Arrest Date/Time 11/29/2018 3:37:40AM	Arrest Location Type OTHER	Arrest Location Description STATE ROAD 7 JSOF GLADES RD				
Street Number	Street			Apt/Lot/Bldg	County PALM BEACH			
City BOCA RATON	State FL	Zip 33428						

Charge(s)		Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH				
Charge Description DUI ALCOHOL OR DRUGS						

### Probable Cause

On the above date and time, I was on patrol in Palm Beach County. I was dispatched to a vehicle crash located at State Road 7, just south of State Road 808 (Glades Rd) involving a Florida Highway Patrol vehicle. When I arrived on scene, Boca Raton Fire rescue was on scene and several units of the Palm Beach County Sheriff's Department on the northbound lanes of State Road 7. I observed a white in color Lexus with heavy front end damage. The vehicle was bearing a Florida Tag of HKKG06. I observed a FHP vehicle (0441) on scene with rear driver damage. Trooper John F. Petrofsky (ID 1382) was the unit that was hit by the subject's vehicle. I approached Tpr. Petrofsky and he was able to identify the driver of the Lexus. He advised that the driver was a white older male, wearing a black sweatshirt. He also advised that the subject was being evaluated by Fire Rescue. Two additional vehicles were also hit by the subject's vehicle. I approached fire rescue and observed a white male matching the description standing outside near the truck. I was advised by EMS that the subject did not

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want to get transported to the hospital. I approached the subject and identified myself. I asked the subject for his driver's license and he handed it to me. I identified him by his Florida Driver's License (P -230-000-66-459-0) as Antonio Pezzuto. As I spoke to Mr. Pezzuto, I can smell an odor of a strong unknown alcoholic beverage emitting from his breath. Mr. Pezzuto's eyes were red and glassy. I explained to Mr. Pezzuto that I was going to begin a DUI investigation because I suspected he was impaired. I read Mr. Pezzuto his Miranda Warning at approximately 3:25 a.m. I asked Mr. Pezzuto if he understood and he stated yes. I asked Mr. Pezzuto where he was coming from and he responded that he was coming from the Promenade. I asked Mr. Pezzuto if he had any alcoholic beverages and he stated he had a few beers. I asked Mr. Pezzuto if he had any liquor and he stated he only had beers. I asked Mr. Pezzuto if he was willing to perform Field Sobriety Exercises and he stated yes. The ground was level and free of debris.

#### Horizontal Gaze Nystagmus:

Prior to beginning the exercise, it was determined that Mr. Pezzuto was not wearing contacts or corrective lenses at the time. His eyes displayed equal tracking and his pupils were equal sizes. Mr. Pezzuto was instructed to follow the stimulus with his eyes only, keeping his head still. After stating he understood the instructions, the subject started the exercise.

The results of this exercise displayed 6 of the 6 possible clues.

- A lack of Smooth Pursuit in his left eye.
- A lack of Smooth Pursuit in his right eye.
- A distinct and sustained nystagmus in the left eye at maximum deviation.
- A distinct and sustained nystagmus in the right eye at maximum deviation.
- An onset of nystagmus in the left eye prior to 45 degrees.
- An onset of nystagmus in the right eye prior to 45 degrees.

#### Walk and Turn:

Mr. Pezzuto was instructed to put his left foot on the line and his right foot in front of it with his right heel touching the toe of his left foot. He was instructed to stand in this manner with his hands to his sides until the instructions were completed and demonstrated. He was instructed not to begin until told to start. Mr. Pezzuto was instructed to take nine steps along the line in a heel-to-toe manner. After the nine step, he was advised to stop and turn around keeping her pivot foot on the ground, taking several small steps with the other foot to turn around. After turning around, he was instructed to take nine steps in a heel-to-toe manner back along the line in the direction he had come from. He was further instructed to watch his feet at all times while walking, keeping his arms down to his side, and to count his steps out loud. After the exercise was demonstrated, Mr. Pezzuto stated he understood the instructions, and was instructed to begin the exercise.

After attempting the Walk and Turn, Mr. Pezzuto displayed 6 of 8 possible clues

Mr. Pezzuto failed to stay in the starting position. He failed to make a proper turn. He used his arms to balance. On the second set of steps, Mr. Pezzuto failed to touch heel to toe on several steps. He started before told to do so. Mr. Pezzuto lost balanced several times.

#### One Leg Stand:

Prior to attempting this exercise, Mr. Pezzuto indicated he did not have any medical problems that

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would prevent him from performing the exercise. He was instructed to stand with his heels together and hands down at his sides while the instructions were given. He was instructed not to begin until told to do so. Mr. Pezzuto was advised to raise either foot of his choice off the ground approximately 6 inches keeping his foot parallel with the ground. While his leg was raised, the subject was advised to keep her leg straight, watch his raised foot, and to count out loud by thousands (one thousand one, one thousand two, one thousand three...) and to continue until told to stop. After the exercise was demonstrated, I asked him if he understood the instructions to which he replied yes. I advised him if he didn't have any questions, he may begin the exercise. When the subject attempted the exercise, he raised his right foot. During the exercise, he displayed 4 of the 4 clues. Mr. Pezzuto put his foot down several times. He had trouble keeping his balance and swayed . He did not place his hands to his sides as instructed.

Mr. Pezzuto was placed under arrest for operating a motor vehicle under the influence of alcohol pursuant to chapter 316.193 at 3:37 a.m. He was taken to West Boca Medical where he was cleared. I transported Mr. Pezzuto to the Palm Beach County Breath Alcohol Testing Facility. Upon arrival, a 20 minute observation was conducted to ensure he did not take anything by mouth or regurgitate. After the 20 minute observation, he was taken into the testing room. Mr. Pezzuto was asked to submit to a breath test to determine the alcohol content to which he agreed. After both breath samples were given by Mr. Pezzuto, the results came back to 0.116 and 0.105. Subsequently , Mr. Pezzuto was transported to the Palm Beach County Jail. for booking.

Video of roadside exercises is available upon request from the FHP custodian.

#### Jail Booking Facility

▶ Booking Date/Time	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406		Booking Number	
Booking Comments			

#### Court

▶ Court County PALM BEACH	Court Location 3188 PGA BLVD. PALM BEACH GARDENS, FL 33410		
Court PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-8608	Court Appearance Date / Time	Court Fine
Comments			

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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 <b>K. GARCIA</b> Officer Agency <b>FLORIDA HIGHWAY PATROL</b>  Officer Signature <i>K Garcia</i>	Officer Rank <b>TROOPER</b> Officer ID No <b>4220</b>	Sworn and subscribed before me, the undersigned authority This the ____ day of _____, _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
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**Approving Supervisor**

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

NOT A CERTIFIED COPY

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: 11/29/2018

Date of Last Agency Inspection: 11/23/2018  
Observation Period Began: 06:45  
Subject's Name: ANTONIO PEZZUTO

DOB: 12/19/1966 Sex: M

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	07:08
	Air Blank	0.000	07:08
	Control Test	0.082	07:08
	Air Blank	0.000	07:09
	Subject Sample #1	0.116	07:09
	Air Blank	0.000	07:10
	Air Blank	0.000	07:12
	Subject Sample #2	0.105	07:12
	Air Blank	0.000	07:13
	Control Test	0.081	07:13
	Air Blank	0.000	07:14
	Diagnostics Check	OK	07:14

Cylinder Lot: 13518080A5  
Exp: 08/05/2020

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 JAMES G. BIGGS, 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: 11/29/18  
Signature

Sworn to (or affirmed) before me this 29 day of Nov, 2018

[Signature] Signature of Notary Public-State of Florida  
Tip Garcia 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.



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

PBSO CASE # 18-149791 PBSO ZONE 7-61  
 AGENCY CASE # FHPK18OFF086955 CRASH CASE # FHPK18OFF086955  
 TIME OF STOP/CRASH 2:45AM DATE 11/29/18 DAY Thursday  
 SUBJECT'S NAME Antonio Pezzuto RACE W SEX Male  
 HGT 5'07" WGT 160lbs DOB 12-19-1966  
 LOCATION State Rd 7 south of Glades Rd.  
 ARRESTING OFFICER'S NAME & ID Tpr. K Garcia 4220 AGENCY FHP

DIVISION: \_\_\_\_\_

NOTIFIED BY COMMO \_\_\_\_\_

ARRIVAL AT FACILITY 6:45a.m

ARREST TIME 3:37a.m

BREATH RESULTS:

1. .116
2. .105
3. \_\_\_\_\_
4. \_\_\_\_\_

TESTING OFFICER'S ID 7607 PBSO VIDEOTAPE # N/A

NOT A CERTIFICATE

# TESTING FACILITY TASK REPORT

AGENCY: FHP-GARCIA

SUBJECT: PEZZUTO, ANTONIO

CASE NUMBER: 18-149791

DATE: Nov 29, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0706

ENDING TIME: 0716

BREATH TESTS RESULTS: 1) .116 TIME 0709 A.M.  P.M.  2) .105 TIME 0712 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 Karklecke #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: CLEAR

ATTITUDE: COOPERATIVE

CLOTHING: BLACK SWEATER, BLACK JEANS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

## OTHER:

EYES GLASSY

ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

## COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0645  
SUBJECT AGREED TO SUBMIT TO THE BREATH TEST  
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST  
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY  
RESULTS WERE GIVEN  
MIRANDA WAS READ TO SUBJECT  
SUBJECT REFUSED QUESTIONS



**Palm Beach County Sheriff's Office – Arrests Only**

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

**REVIEW COMPLETED BY**

<b>Booking Number:</b> 2018039627	<b>Date:</b> 11/30/2018
	<b>Specialist Name/ID:</b> AM/31562