

0502033

254

NAH

ARREST / NOTICE TO APPEAR  
Juvenile Referral Report

1 Arrest 3 Request for Warrant  
2 NTA 4 Request for Capias

1

Administrative, Defendant, Co-Def, Juvenile, Charge, Notice to Appear, Admin sections containing personal and legal information.

DISTRIBUTION WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (ALT A's ONLY)

PROBABLE CAUSE AFFIDAVIT

1 Arrest  
2 NTA  
3. Request for Warrant  
4. Request for Capias

1 Juvenile

OBTS Number

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE Agency Report Number: 06-18-129987

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

Name (Last, First, Middle): Boehnlein, Brenda, Joyce

Charge Description: D.U.I. 316.193 (1) Charge Description: Possession of Marijuana Under 20g 893.13(9)(b)

Charge Description

Victim's Name (Last, First, Middle)

Local Address (Street, Apt. Number) (City) (State) (zip) Phone

Business Address (Name, Street) (City) (State) (zip) Phone Occupation

The undersigned certifies and 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. On the 6 day of October 2018 at 0100

HGN -Once positioned in the front of my vehicle, I continued my investigation. I instructed Brenda to keep his/her hands by their side, stand with his/her feet together, and follow a red light stimulus with his/her eyes not turning his/her head. I asked him/her if he/she understood my instructions. Brenda verbally stated he/she understood my instructions. Brenda (LOOK FOR SWAYING) however swayed while standing stationary. I observed both eyes to be red, bloodshot, and glossy. His/Her left and right eye displayed equal pupil size, equal tracking, and a lack of smooth. I observed distinct and sustained nystagmus was present in both his/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 his/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.(IF NOT VERTICAL Nystagmus delete sentence). While conducting the task I had to remind him/her to keep hands by his/her side, not turn his/her head and follow the stimulus multiple times.

FINGER TO NOSE -I instructed Brenda to stand with his/her feet together, make each hand into a fist keeping, extended his/her index fingers and to place his/her palms facing up. He/She was instructed to lower their arms by their side. I instructed and demonstrated the proper hand and arm position and for him/her to remain in this position while I demonstrated the rest of the task. I instructed and demonstrated him/her to tilt his/her head back approximately 45 degrees and close their eyes while waiting for a verbal command of left or right. On the command of "left" or "right", he/she would raise the requested hand, touch the tip of his/her finger to the tip of his/her nose, then bring their hand immediately back down to his/her side. During the instruction and demonstration of the task he/she swayed heavily while standing in the instructional position. Also while attempting to position him/her in the instructional stance he/she had difficulty with manual dexterity and struggled to extend his/her index fingers without using their middle fingers (delete if it doesn't apply). I asked him/her if he/she understood the instructions I provided and he/she verbally stated he/she understood. I instructed him/her to start the task as explained. During the task, I observed the driver did not keep eyes closed, failed to return arms to side, correct finger did not touch tip of nose, used wrong hand, was unable to perform task.

STATE OF FLORIDA COUNTY OF PALM BEACH DS J. Velix

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of October 2018 by DS J. Velix

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

PAGE OF

# D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 6 DAY OF October 20 18 AT 0100  AM  PM

SUBJECT: Boehnlein Brenda Joyce CASE NUMBER: 18-129987

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: DS J. Velix

## PERSONAL CONTACT

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

I observed Brenda J. Boehnlein driving a gold in color Cadillac, traveling North bound on SR 715. Her vehicle was observed driving at 25 miles per hour and within seconds, accelerated to 50 miles per hour. I then observed the vehicle traveled to the east side shoulder, almost making contact with the grass. The vehicle then traveled to the west side of the roadway, almost entering on-coming lanes. The vehicle continued this multiple times. As the vehicle approached SR 715 and MLK, I observed it making a wide radius right turn unto MLK, crossing over the center line. I then preformed a traffic stop of the vehicle, which came to a final stop at MLK and SW 12th ST.

## OBSERVATION OF DRIVER:

I observed that Brenda J. Boehnlein was wearing jeans and a white shirt. While questioning Brenda, I observed that she seemed to be confused by my questions in asking where they came from and where they were traveling to, and had difficulty performing tasks such as locating her drivers license and paperwork for the vehicle. I observed Brenda's eyes appeared red and glassy. I observed that she was slurring her words and having trouble maintaining eye contact. Brenda was asked to exit the vehicle to perform field sobriety tasks and she agreed. While exiting the vehicle, Brenda appeared to be shaky on her feet. Brenda had difficulty walking and used the side of the vehicle to steady herself.

## DRIVER'S STATEMENTS:

I asked Brenda if she had been drinking or used any drugs. Brenda informed me that she had 3-4 Corona Beers earlier. I asked the driver what medical problems and/or previous injuries they had and she informed me that she had none but wore contacts. I asked what medications she took and she told me she did not take medications for anything.

## ODORS:

Obvious odor of an unknown alcoholic beverage

## GENERAL OBSERVATIONS

SPEECH: slurred, thick, slow, unclear

ATTITUDE: calm, compliant, crying

CLOTHING: wearing jeans and white shirt.

MEDICAL/OTHER: NONE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

DS J. Velix

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of October 20 18 by DS J. Velix

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

Cpl J 2 27532

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:**

**WALK & TURN:**

I positioned Brenda on a line on the asphalt 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 from MLK. I instructed Brenda 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. I instructed her to walk nine heel to toe steps counting out loud, while watching her feet. On the ninth step she was to keep her front foot on the line and use her back foot, in a series of small steps, to turn around before walking nine heel to toe steps the opposite direction counting out loud and watching her feet. I demonstrated the task while I was verbally instructing her in the proper way to complete the task. During the task, I observed the driver swayed while balancing, did not touch heel to toe, used arms to maintain balance (+6"), and loses balance while turning (staggered). She could not perform the task correctly.

**ONE LEG STAND:**

I placed Brenda with her feet together and arms at her side. I demonstrated the task as I verbally instructed her to raise one of her feet approximately six inches off of the ground, point her toe towards me, look at the raised foot, and count out loud 1001, 1002, 1003 and so on until told to stop. I asked her if she understood the instructions and demonstration I provided. After Brenda stated she understood my instructions, the task was performed. While Brenda stood in the instructional position, I observed she started too soon and swayed while standing stationary. While raising her foot she swayed while balancing, put foot down (within 30 seconds) and put foot her down while performing the task.

**FINGER TO NOSE:**

I instructed Brenda 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 their arms by their 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 heavily 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 that Brenda did not keep eyes closed, correct finger did not touch tip of nose, used wrong hand and could not maintain balance.

**ROMBERG ALPHABET:**

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

**DS J. Velix**

(Signature of Arresting/Investigative Officer)

*James Velix 32413*

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of October 2018 by DS J. Velix

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

*CPI [Signature] 27532*

Notary Public, Clerk of Court, Officer (F.S.S 117 10)

SUBJECT: Bohnen, Brenda

CASE NUMBER: 18-129987

# 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? home

WHAT STREET OR HIGHWAY WERE YOU ON? \_\_\_\_\_

DIRECTION OF TRAVEL? \_\_\_\_\_ WHERE DID YOU START? Blue Bell Pool Hall

WHAT TIME DID YOU START? \_\_\_\_\_ WHAT TIME IS IT NOW? 3:00 am

WHAT IS TODAY'S DATE? 10/6/18 WHAT DAY OF THE WEEK IS IT? Saturday

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

WHEN DID YOU LAST EAT? 5:30 PM WHAT DID YOU EAT? KFC

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Got off work, went home, Blue Bell

HOW MUCH DO YOU WEIGH? 143 HAVE YOU BEEN DRINKING? Yes WHAT? Corona

HOW MUCH? 3 or 4 beers WHERE? Blue Bell Pool Hall WITH WHOM? friends

WHEN DID YOU HAVE YOUR FIRST DRINK? 2.5-3 hours ago AND YOUR LAST DRINK? at least 2 hours

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? casually

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? \_\_\_\_\_ ARE YOU UNDER THE INFLUENCE? I've been drinking

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? \_\_\_\_\_ HOW MUCH? \_\_\_\_\_

WHAT? \_\_\_\_\_ WHERE? \_\_\_\_\_ WHEN? \_\_\_\_\_

WHAT LINE OF WORK ARE YOU IN? Management at Hair Salon WHEN DID YOU LAST WORK? today

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?	<u>No</u>
GLASS EYE?	<u>No</u>
FALSE TEETH?	<u>No</u>
EAR INFECTION?	<u>No</u>
INNER EAR TROUBLE?	<u>No</u>
DIABETES?	<u>No</u>

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

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

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? Yes WHERE? Arkansas

INTERVIEWER: D.S. J. Velix 32413

# WITNESS LIST

ARRESTING OFFICER: DS J. Velix *J. Velix* CASE NUMBER: 18-129987  
*324.3*

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: \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) 0 \_\_\_\_\_ (WORK) 0

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

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ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NOT A CERTIFIED COPY

# TESTING FACILITY TASK REPORT

AGENCY: PBSO-VELIX

SUBJECT: BOHNLEIN, BRENDA J

CASE NUMBER: 18-129987

DATE: Oct 6, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0251

ENDING TIME: 0311

BREATH TESTS RESULTS: 1) .114 TIME 0255 A.M.  P.M.  2) .117 TIME 0258 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: SLURRED, MUMBLING

ATTITUDE: COOPERATIVE

CLOTHING: WHITE SHIRT, BLUE JEANS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

## OTHER:

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

## COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0230  
SUBJECT ADVISED SHE WOULD SUBMIT TO THE BREATH TEST  
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST  
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULL  
RESULTS GIVEN TO SUBJECT  
MIRANDA WAS READ TO THE SUBJECT  
SUBJECT SUBMITTED TO THE QUESTIONS

SUBJECT: Bohnen, Brenda

CASE NUMBER: 18-129987

# 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



**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)-(l), (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

Booking Number: 2018033500	Date: 10/07/2018
	Specialist Name/ID: AM/31562