

ARREST REPORT

0333749

177

Report Date / Time 12/30/2017 07:43 AM	Agency Case/Offense Number FHPL17OFF108295	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD241123
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LOCATION OF OCCURRENCE

County PALM BEACH	Address SR-9 / I-95 S @ DONALD ROSS RD , PALM BEACH GARDENS, FL 33418	
Range of Occurrence Date/Time 12/30/2017 06:40 AM to 12/30/2017 06:40 AM	Latitude N 26 52.9836	Longitude W 80 7.6902

PERSON: SUSPECT

First Name CANDACE	Middle Name TOYA	Last Name MCCULLEY	Suffix	Date of Birth 10/18/1983	Age 34	Race W	Sex F	Height 504	Weight 190	Hair BLK	Eyes GRN
Master Name Index Number	Place of Birth PANAMA CITY, FL	Nation US	SSN	Driver's License or Other ID M240118838780	State FL	Class or Type E					
Address 67 DAVIS RD	City PALM SPRINGS	County	State FL	Zip Code 33461	Phone						

CHARGES

Counts 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
DUI ALCOHOL OR DRUGS							

PROBABLE CAUSE

I was driving southbound on SR9/195 in the left lane, driving a marked FHP car. There was a light fog in the area. Defendant was driving a gray Dodg SW, and passed me at an extreme speed in the left center lane. I estimated the speed to be well in excess of the posted 70 as I accelerated to overtake defendant, activating the front radar antenna as I did. As I closed on defendant's car she began to to weave noticeably in the lane, then drifted 2' in to the left lane, back to the left center lane, then drifted completely in to the center lane, crossing the lane line slightly to the right. As the radar came into range I acquired a target speed of 107 mph. I activated my emergency lights and defendant slowed to approximately 85 mph. She then slowed to approximately 60, signalled right and eventually crossed the right lanes and the merge lane from the Donald Ross entrance ramp before stopping on the shoulder.

I notified LWRC of the stop and requested another trooper as I suspected an impaired driver and I do not have a video camera. I was advised no one with a camera was available.

I approached the passenger side of the car. I stood next to the car for several seconds before defendant noticed me and opened the window. I could immediately smell a strong odor of an alcoholic beverage coming from the car. Defendant was alone in the car. I told her why I stopped her and she began to cry. Her face was flushed before she began to cry. I asked where she was going and she said home. I asked where she was coming from and she said "Mack's, a bar in Jupiter". She produced her DL from her right pants pocket.

Defendant got out of her car at my request. She stood in the opened door close to traffic, and was swaying as she stood and was tugging on her sweater. She had an unsteady gait as she walked to the front of her car.

I asked defendant to perform FSTs and she verbally consented. FSTs were performed on the level paved shoulder as follows:

HGN: Swayed orbital 6-8", eyes bloodshot, glassy, still crying. Lack of smooth pursuit in both eyes, onset prior to 45 degrees in both eyes, distinct at maximum deviation both eyes.

W&T: started by scraping her sandal on the ground, and said there was something under it. After several attempts I told her to take her sandal off and she asked "go barefoot?" I said no, I'm going to clean your shoe. She complied and I removed a knot of wire that was imbedded in the sole of the right sandal. I began instructions and defendant could not hold the starting position, kept stepping off to the right. As I demonstrated turn, defendant began to walk. With each step, stepped off to the side and paused with whichever foot she moved. After five steps I stopped her, she was clearly incapable of following directions.

OLS: said she couldn't do it, then when I asked why she just looked at me. Picked up right foot, raised arms after 3 seconds, then put foot down. Raised both arms and put down again at 11 seconds, then raised left arm and put foot down again, swaying far to the rear after 15 seconds. I terminated the exercise at that time.

I arrested defendant, handcuffed her and secured her in my car. Trooper J Terrell arrived a few minutes later. He inventoried the car and I transported defendant to the PBSO BAT. Defendant continued to cry, and kept asking what was going to happen. She was polite, calling me "sir" the entire time.

We arrived at the BAT and I conducted a 20 minute observation period. Defendant was offered and consented to a breath test, administered by DUI Tech S. Owen. Defendant provided two samples, results .205 & .207. I read her Constitutional Warning, and defendant elected not to answer questions.

DEC 30 AM 9:48

LEO BOND

Bond Amount \$	None	<input checked="" type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> Pretrial If Quality
	<input type="checkbox"/> Pro				

COURT APPEARANCE INFORMATION

Court (COUNTY) PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Date & Time 01/24/2018 08:30 AM
Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410		
Instructions		

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Report Date / Time 12/30/2017 07:43 AM	Agency Case/Offense Number FHPL17OFF108295	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD241123
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ARREST INFORMATION

Arrest Date / Time 12/30/2017 06:52 AM	Residency Within jurisdiction	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs No	

ARREST LOCATION

County PALM BEACH	Address SR-9 / I-95 S @ DONALD ROSS RD , PALM BEACH GARDENS, FL 33418
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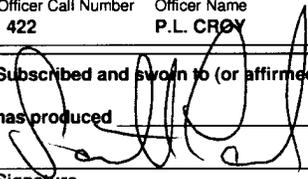
ARREST DELIVERED TO

Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARRESTING OFFICER

Officer Call Number 422	Officer Name P.L. CROY	Officer Signature 
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Subscribed and sworn to (or affirmed) before me this 30th day of December A.D., 2017 by P. Croy who is personally known to me or has produced _____ as identification.

Signature  Notary Public LEO CO Commission No: _____ My Commission Expires: _____



Samantha Palmer
Commission # FF172377
Expires: OCT 29, 2018
BODED THRU
1ST FLORIDA NOTARY, LLC

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DEC 30 2017

TESTING FACILITY TASK REPORT

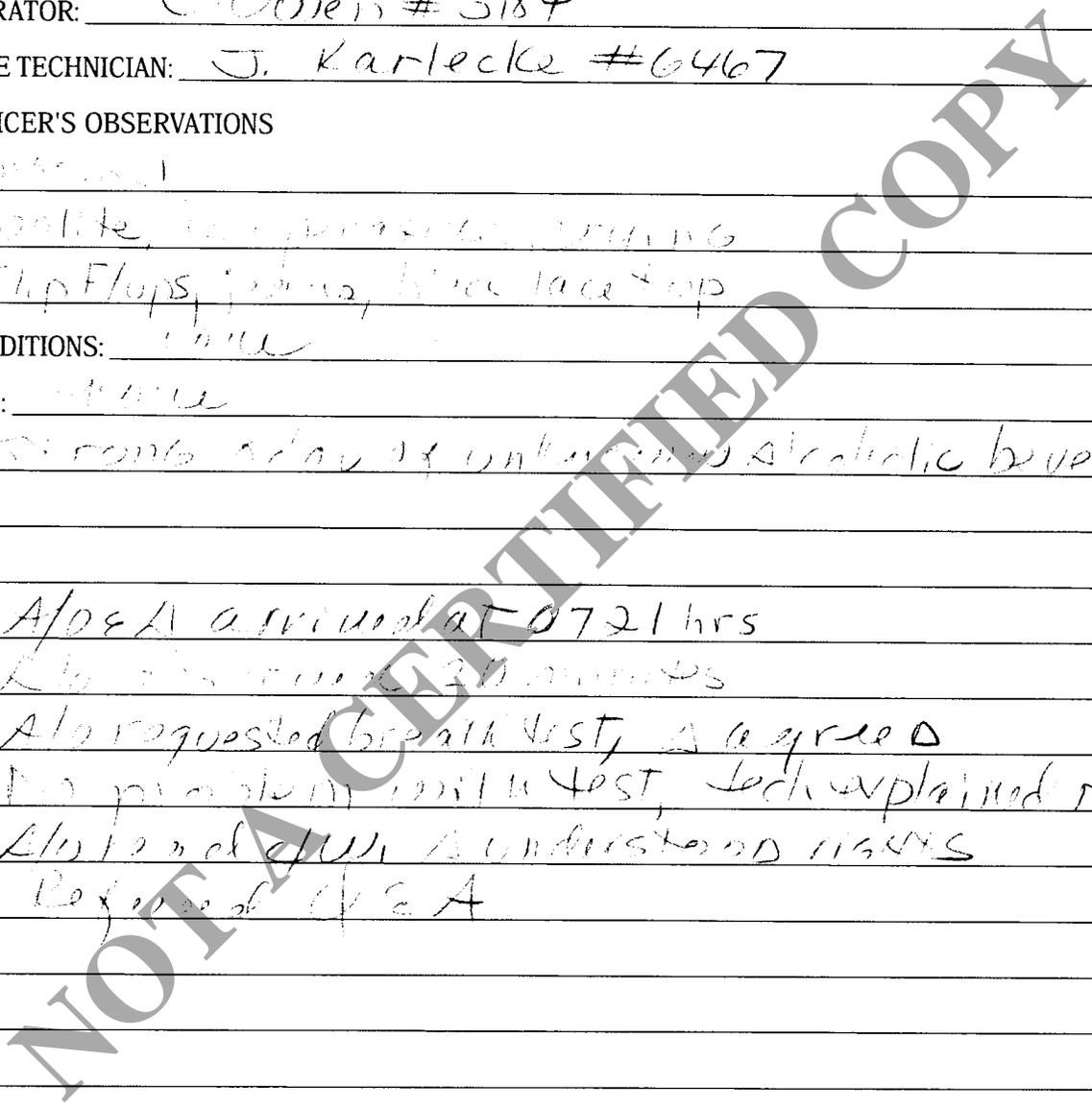
AGENCY: FHP-L
SUBJECT: McCulley, Candace Toya CASE NUMBER: 17-169444
DATE: 12/30/17 VIDEOTAPE NUMBER: N/A
BEGINNING TIME: 0744 ENDING TIME: 0755
BREATH TESTS RESULTS: 1) .205 TIME 0748 A.M./P.M. 2) .207 TIME 0752 A.M./P.M.
3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: S. O'Brien #3184
MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: normal
ATTITUDE: polite, cooperative, smiling
CLOTHING: Flip Flops, jeans, knee lace top
MEDICAL CONDITIONS: none
MEDICATIONS: none
OTHER: 2 drinks total of unknown alcoholic beverage

COMMENTS: A/OEA arrived at 0721 hrs
He is around 30 years old
Also requested breath test, I agreed
No problem with test, tech explained results
Also read him his understood rights
Refused AEA



SUBJECT: McCulley, Candace Toya CASE NUMBER: FHPL170FF/08095

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 Video

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SUBJECT: Mc Colley, Candace Toya CASE NUMBER: FHPL170FF118295

QUESTIONS AND ANSWERS ON VIDEO

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? refused

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? _____

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? _____ WHEN? _____

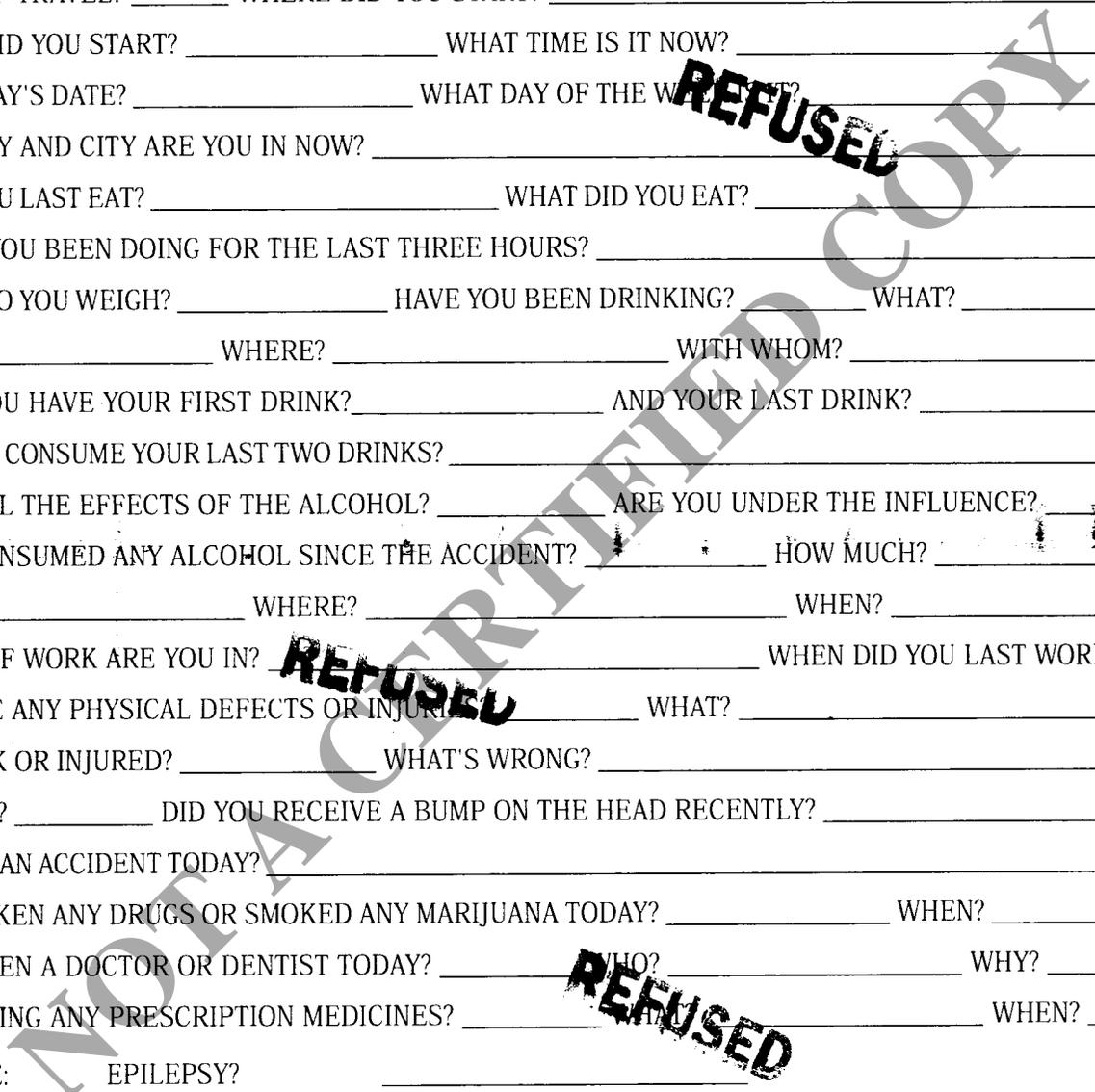
- DO YOU HAVE:
- EPILEPSY? _____
 - GLASS EYE? _____
 - FALSE TEETH? _____
 - EAR INFECTION? _____
 - INNER EAR TROUBLE? _____
 - DIABETES? _____

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: _____



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DEC 30 2017

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: 80-006029 Software: 8100.27
Date of Test: 12/30/2017

Date of Last Agency Inspection: 12/15/2017

Observation Period Began: 07:21

Subject's Name: CANDACE T MCCULLEY

DOB: 10/18/1983 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	07:46
	Air Blank	0.000	07:47
	Control Test	0.082	07:47
	Air Blank	0.000	07:48
	Subject Sample #1	0.205	07:48
	Air Blank	0.000	07:49
	Air Blank	0.000	07:51
	Subject Sample #2	0.207	07:52
	Air Blank	0.000	07:52
	Control Test	0.081	07:53
	Air Blank	0.000	07:53
	Diagnostics Check	OK	07:53

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 SUE OWEN, 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: [Signature] Date: 12/30/17
Signature

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

[Signature] Signature of Notary Public-State of Florida
Tracy P. Croft 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.

DEC 30 2017



Operation of a motor vehicle constitutes consent to any sobriety test required by law.

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