

0352931

17CT11995

265

OBTS Number				ARREST / NOTICE TO APPEAR Juvenile Referral Report					1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias	1 Juvenile N	
ADMINISTRATION	Agency ORI Number FL 0500300		Agency Name BOYNTON BEACH POLICE DEPT.						Agency Report Number 34-17-035539			
	Charge Type: Check as many as Apply.		<input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	If Weapon Seized Enter Type			Multiple Clearance Indicator			
Location of Arrest (Including Name of Business) 2200 SR 9, BOYNTON BEACH, FLORIDA, 33435				Location of Offense (Business Name, Address) 2200 SR 9, BOYNTON BEACH, FLORIDA, 33435								
Data of Arrest 06/25/2017		Time of Arrest 2000	Booking Date	Booking Time	Jail Date		Jail Time		Location of Vehicle			
DEFENDANT	Name (Last, First, Middle) ROMERO, CARLOS JAVIER				Alias (Name, DOB, Soc. Sec. #, Etc)							
	W - White B - Black	I - American Indian O - Oriental / Asian	Race W	Sex M	Date of Birth 09/13/1980	Height 507	Weight 180	Eye Color BRO	Hair Color BLK	Complexion LIGHT	Build MED	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)						Marital Status SINGLE		Religion N/A	Indication of: Y N Unk. Alcohol Influence <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Drug Influence <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>			
Local Address (Street, Apt. Number) 7458 ANDARRA PLACE, BOCA RATON, FLORIDA, 33433						Phone () -		Residence Type 1. City 3. Florida 2. County 4. Out of State				
Permanent Address (Street, Apt. Number)						Phone () -		Address Source VERBAL				
Business Address (Street, Apt. Number)						Phone () -		Occupation REFUSED				
D/L Number, State R560110803330 / FL			INS Number			Place of Birth TN			Citizenship US			
CO-DEF	Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile			
	<i>bdl</i>				Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile			
JUVENILE	Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile			
	<i>00</i>				Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile			
Notified by: (Name)				Date	Time		Juvenile Disposition			Residence Phone		
							1. Handled/Processed within Dept. and Released 2. TOT HRS/DYS 3. Incarcerated					
Released To: (Name)				Relationship			Date			Time		
The above address was provided by <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2526) informed of any change of address: <input type="checkbox"/> Yes, By: (Name) <input type="checkbox"/> No: (Reason)								School Attended			Grade	
Property Crime?		Description of Property						Value of Property				
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>												
CODE	Drug Activity N. N/A P. Possess	S. Sell B. Buy T. Traffic	R. Smuggle D. Deliver E. Use	K. Dispense/ Distribute M. Manufacture/ Produce/ Cultivate	Z. Other	Drug Type N. N/A A. Amphetamine	B. Barbituate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other		
	DUI				Counts 1	Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number 316.193.1		Violation of ORD# -		
CHARGE	Drug Activity	Drug Type	Amount/Unit	Offense # 17-035539			Warrant/Capis Number			Bond		
	-	-	-									
CHARGE	Charge Description REFUSAL TO SUBMIT PHYSICAL TEST				Counts 1	Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number 316.1939.1		Violation of ORD# -		
	Drug Activity	Drug Type	Amount/Unit	Offense # 17-035539			Warrant/Capis Number			Bond		
CHARGE	Charge Description				Counts	Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number		Violation of ORD# -		
	Drug Activity	Drug Type	Amount/Unit	Offense #			Warrant/Capis Number			Bond		
CHARGE	Charge Description				Counts	Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number		Violation of ORD# -		
	Drug Activity	Drug Type	Amount/Unit	Offense #			Warrant/Capis Number			Bond		
NOTICE TO APPEAR	<input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court		Location (Court, Room Number, Address) South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444						Time 0830 8:30 A.M. <input type="checkbox"/> P.M.			
	<input type="checkbox"/> Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.		Court Date and Time Month 07 Day 31 Year 2017									
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 WILLFULLY 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)								Date Signed				
HOLD for other Agency Name:				Signature of Arresting Officer				Name Verification (Printed by Arrestee) (PRINT)				
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal				Name of Arresting Officer (Print) OFFICER CASTRO				I.D. # 905	BU# 109216		Page 1 OF 1	
Intake Deputy JH83				Pouch #	Transporting Officer	I.D. # 905	Agency BBPD	Witnessed by SCANNED 11:34				

JUN 30 2017

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 25 DAY OF June 2017 AT 7:23 A.M. P.M.

CASE #: 17-035539

DEFENDANT: ROMERO, CARLOS JAVIER

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On Sunday, June 25, 2017 at approximately 1928hrs, while conducting a traffic stop investigation in the eastbound lanes of Gateway Blvd, just west of I-95 (SR9), I was approached by an off-duty police officer who advised that there was what appeared to be a physical altercation within the parking of 850 W. Gateway Blvd (7-11 gas station, BBPD case # 17-035530). Let it be noted that this incident occurred within the City of Boynton Beach, Palm Beach County, Florida. Officer advised that he observed a male and a female inside a Red Kia Soul and that the male was striking a female. Let it be noted that at approximately 1923hrs, Florida Highway Patrol was contacted in reference to people fighting inside a Red Kia Soul bearing Florida tag EYER10 (returning to a Honda vehicle) and that they had exited Gateway Blvd. I advised Boynton Beach Communications of the incident and advised that I could physically see the vehicle that the witness officer pointed to from location. The vehicle then exited the parking lot and proceeded eastbound on Gateway Blvd. Detective Montoya then pulled up behind the vehicle and initiated a traffic stop on the vehicle on the entrance ramp of southbound SR9 from Gateway Blvd, so that a welfare check could be conducted based on the witness officer's statement. The license plate for the vehicle was CYER10, which was very similar to the license giving by the witness in the Florida Highway Patrol's disturbance call.

Contact was made with the driver, W/M Romero, Carlos (09/13/80) and passenger W/F Vanek, Jessica (05/27/80). An investigation was conducted by officers on scene, which it was determined that incident was only a verbal altercation between the two individuals. While speaking with Romero I detected the odor an unknown alcoholic beverage emitting from his breath which intensified as he spoke. Romero's speech was slurred and his eyes were bloodshot/glassy and his face was flushed. Romero was very uncooperative during the investigation.

When officers had concluded their investigation I reapproached Romero, who was still sitting in the driver seat of the vehicle. To continue my investigation I requested Romero to step out of the vehicle and he refused. Romero advised that we (officers) had no legal right to conduct a traffic stop on their vehicle and that officers were making up allegations. I reminded Romero numerous times the reason for the traffic stop, which he still argued about. Romero started to become verbally aggressive and no allow me to explain the situation. Based on my investigation at this point, I advised Romero that I've concluded

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the Disturbance Investigation and that I was now conducting a DUI Investigation. Romero continued to argue with me while I read him his Miranda Warnings. I requested Romero multiple times out of the vehicle which eventually he did. As Romero was exited the vehicle I advised Romero to place his hands on the vehicle due to the fact that I wanted to make sure that he had no weapons on him therefore I was going to conduct a Pat Down. Romero did not comply with my request and began to reach into his pockets. Romero was then escorted to the rear of his vehicle. Romero continued to argue with officers and moving around. I instructed Romero to stand on the solid white line on the roadway, which he did not and paced back and forth. Every time I attempted to explain the reason for the investigation Romero kept speaking over me and yelling towards Vanek. Based on my investigation at this point, Romero behavior and not cooperating with the investigation I requested Romero to submit to a Series of Field Sobriety Task, which he refused. I advised Romero of his Taylor Warnings, which he stated yes. I then requested a second time, which Romero continued to argue and not provide an answer. At that moment Romero was placed into handcuffs (D/L and Spaced) and escorted and placed into the rear of my patrol vehicle (4734). Let it be noted that while assisting with the Tow Inventory I observed in plain view a small opened 100ML Fireball Cinnamon Whisky bottle in the driver's floorboard. Upon picking up the bottle Vanek advised that the bottle was hers.

HORIZONTAL GAZE NYSTAGMUS:

<input type="checkbox"/> Left eye does not follow smoothly	<input type="checkbox"/> Right eye does not follow smoothly
<input type="checkbox"/> Left eye prior to 45 degrees	<input checked="" type="checkbox"/> Right eye prior to 45 degrees
<input type="checkbox"/> Distinct jerking in left eye at maximum deviation	<input type="checkbox"/> Distinct jerking in right eye at maximum deviation
<input type="checkbox"/> Vertical Nystagmus in left eye	<input type="checkbox"/> Vertical Nystagmus in right eye

WALK AND TURN:

REFUSAL

ONE LEG STAND:

REFUSAL

FINGER TO NOSE:

REFUSAL

ROMBERG/ALPHABET:

REFUSAL

I then transported Romero to the Boynton Beach Police Department to continue my investigation. I arrived at BBPD at 2008hrs, started my 20 minutes observation at 2009hrs and completed at 2029hrs. Upon completion I requested Romero to provide a sample of his breath to determine the alcohol content, which refused. While reading Implied Consent to Romero, he continued to argue and yell over me. Romero was very uncooperative during the investigation. Romero was being aggressive with officers, even while still

being handcuffs. I then requested Romero a second time to provide a sample of his breath to determine the alcohol content, which he refused again. Due to Romero's behavior the investigation was discontinued.

A N/FCIC, PALMS and DAVID check was conducted on Romero, revealing that Romero had previously refused to submit to a breath/urine/blood test on 12/11/99.

Based on the above stated facts I have established Probable Cause to charge Romero with 1M count of DUI with F.S.S. 316.193(1) and Refusal to Submit to Physical Test pursuant with F.S.S. 316.1939(1). Romero was later transported to PBCJ.

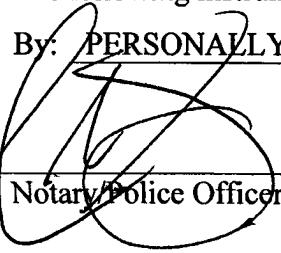
Romero's vehicle was removed from scene by Beck's Towing. A photo of the Whiskey bottle, SFST video and BAT/Booking video was later entered into Boynton Beach Evidence. Incident was also captured via BWC.

Nothing further.

The following instrument was sworn to before me this

25 day of June 2017

By: PERSONALLY KNOWN / OFFICER CASTRO #905

 916
Notary Police Officer (F.S.S. 117.10)

 905
Signature of Arresting Officer

TESTING FACILITY TASK REPORTCASE #: 17-035539Date: 6/25/17DEFENDANT: ROMERO, CARLOS JAVIERVideo Tape #: 4734**BREATH TEST RESULTS: REFUSED**

1. g/210L Time a.m. p.m. 3. g/210L Time a.m. p.m.
2. g/210L Time a.m. p.m. 4. g/210L Time a.m. p.m.

BREATH OPERATOR: OFFICER CASTRO #905**MAINTENANCE TECHNICIAN: OFFICER CASTRO #905****TESTING OFFICER'S OBSERVATIONS**SPEECH: SLURREDATTITUDE: UNCOOPERATIVE, AGGRESSIVECLOTHING: WHITE SHIRT, TAN SHORTS, BROWN SHOESMEDICAL CONDITIONS: UNKNOWNMEDICATIONS: UNKNOWN

OTHER: _____

COMMENTS:

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.

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.

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining 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 OFFICER CASTRO #905 of the Boynton Beach Police Department

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.

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 statements can and will be used against you in a court of law.

Suspect's Signature: Read on Video

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.

Where you operating a motor vehicle at the time of the stop/Accident? **NOT COMPLETED**

Where were you going? _____

What Street or Highway were you on? _____

What was you direction of travel? _____

Where did you start from? _____

What time did you start? _____

What time is it now? _____

What is today's date? _____

What day of the week is it? _____

What City and County 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 have you been drinking? _____

How much? _____

With whom? _____

When did you have your first drink? _____

When did you have your last drink? _____

Can you feel the effects of the alcohol? _____

Are you under the influence? _____

Have you consumed any alcohol since the stop/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? _____

Where 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 you eyes that are not corrected by glasses? _____

Do you take insulin? _____ If so, when was your last injection? _____

Have you ever gad a driver's license in any other state? _____

Where? _____

Interviewer: _____

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JUN 30 2017

CASE #: 17-035539

DEFENDANT: ROMERO, CARLOS JAVIER

Arresting Officer: CASTRO #905

Address: 100 E. Boynton Beach Boulevard Boynton Beach, Fl. 33435

Phone Numbers: Home: Work: (561) 742-6100

Name: OFFICER SCHALK #905

Address: 100 E. BOYNTON BEACH BLVD, BOYNTON BEACH, FL, 33435

Phone Numbers: Home: Work: 561-742-6100

Can testify to: THE INVESTIGATION

Name: OFFICER BERBEN

Address: 100 E. BOYNTON BEACH BLVD, BOYNTON BEACH, FL, 33435

Phone Numbers: Home: Work: 561-742-6100

Can testify to: THE INVESTIGATION

Name: DETECTIVE MONTOYA

Address: 100 E. BOYNTON BEACH BLVD, BOYNTON BEACH, FL, 33435

Phone Numbers: Home: Work: 561-742-6100

Can testify to: THE INVESTIGATION

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:

Name:

Address:

Phone Numbers: Home: Work:

Can testify to:

BOYNTON BEACH PD
Intoxilyzer - Alcohol Analyzer
Model 8000 SN 80-001190
36/25/2017
Software: 8100.27

LAI Date = 05/31/2017
Obs Period Began = 20:09

Sub Name =

CARLOS

J

ROMERO

Sub DOB = 09/13/1980

Sub Sex = M

Driver Lic = R560110903330/FL

Officer =

DENNIS

CASTRO

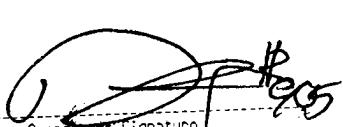
Operator =

DENNIS,

CASTRO

Test	g/210L	Time
Diagnostics Check	OK	20:35
Air Blank	0.000	20:36
Control Test	0.079	20:36
Air Blank	0.000	20:37
Subject Sample #1	REF*	20:37
Air Blank	0.000	20:38
Control Test	0.080	20:38
Air Blank	0.000	20:39
Diagnostics Check	OK	20:39

*Subject Test Refused


Operator's Signature

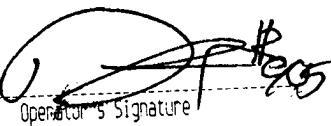
SCANNED
JUN 30 2017

BOYNTON BEACH PD
Intoxilyzer - Alcohol Analyzer
Model 8000 SN 80-031192
36/25/2017
Software: 8100.27

LAI Date = 05/31/2017
Obs Period Began = 20:09
Sub Name =
CARLOS
J
ROMERO
Sub DOB = 09/13/1980
Sub Sex = M
Driu Lic = R560110803339/FL
Officer =
DENNIS
CASTRO
Operator =
DENNIS,
CASTRO

Test	g/210L	Time
Diagnostics Check OK		20:35
Air Blank	0.000	20:36
Control Test	0.079	20:36
Air Blank	0.000	20:37
Subject Sample #1 REF*		20:37
Air Blank	0.003	20:38
Control Test	0.080	20:38
Air Blank	0.000	20:39
Diagnostics Check OK		20:39

*Subject Test Refused



Operator's Signature