

0343778

17CT023027

2067

ARREST / NOTICE TO APPEAR  
Juvenile Referral Report

1. Arrest 3. Request for Warrant  
2. N.T.A. 4. Request for Capias

1 Juvenile

ADMINISTRATIVE	OBTS Number		Agency ORI Number <b>FLO 500000</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>		Agency Report Number (N.T.A.'s only) <b>06-17168597</b>		1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias		1 Juvenile							
	Charge Type: Check as many as apply:		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 <input type="checkbox"/>		Weapon Seized / Type 1. Yes 2. No		Multiple Clearance Indicator <b>101</b>							
	Location of Arrest (Including Name of Business) <b>SOUTH STATE ROAD 7 / FOREST HILL BLVD WELLINGTON FLORIDA, 33414</b>						Location of Offense (Business Name, Address) <b>SOUTH STATE ROAD 7 / FOREST HILL BLVD WELLINGTON FL 33414</b>											
	Date of Arrest <b>12/28/2017</b>		Time of Arrest <b>1:52</b>		Booking Date		Booking Time		Jail Date		Jail Time		Location of Vehicle <b>BIG CITY TOWING</b>					
DEFENDANT	Name (Last, First, Middle) <b>LABUTKA COREY R</b>				Alias (Name, DOB, Soc. Sec. #, Etc.)													
	Race W - White I - American Indian B - Black O - Oriental/Asian		Sex <b>W M</b>		Date of Birth <b>07/28/1990</b>		Height <b>5'10</b>		Weight <b>160</b>		Eye Color <b>GREEN</b>		Hair Color <b>BROWN</b>		Complexion <b>LIGHT</b>		Build <b>MED</b>	
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) <b>SCARS HEAD AND ARMS</b>								Marital Status <b>SINGLE</b>		Religion <b>NONE</b>		Indication of: Alcohol Influence <input type="checkbox"/> Drug Influence <input type="checkbox"/>		Y <input type="checkbox"/> N <input type="checkbox"/> Unk. <input type="checkbox"/>			
	Local Address (Street, Apt. Number) <b>1624 D FOREST LAKES CIR</b>				(City) (State) (Zip) <b>WEST PALM BEACH FL 33406</b>		Phone <b>(561) 315-6535</b>		Residence Type: 1. City 2. County 3. Florida 4. Out of State				<b>2</b>					
	Permanent Address (Street, Apt. Number)				(City) (State) (Zip)		Phone		Address Source									
	Business Address (Name, Street)				(City) (State) (Zip)		Phone		Occupation									
CO-DEF	D/L Number, State <b>L132-116-90-268-0</b>		Soc. Sec. Number		INS Number		Place of Birth (City, State) <b>WEST PALM BEACH FL</b>		Citizenship <b>US</b>									
	Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile							
	Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile							
JUVENILE	<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other:		Residence Phone															
	Address (Street, Apt. Number)				(City)		(State)		(Zip)		Business Phone							
	Notified by: (Name)				Date		Time		Juvenile Disposition 1. Handled/processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated									
	Released To: (Name)				Relationship				Date		Time							
CHARGE	The above address 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 (Phone 355-2528) informed of any change of address. <input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No: (Reason)								School Attended		Grade							
	Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property				Value of Property											
	Drug Activity		S. Sell N. N/A P. Possess		R. Smuggle D. Deliver E. Use		K. Dispense/ Distribute		M. Manufacture/ Produce/ 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. Synthetics		U. Unknown Z. Other							
CHARGE	Charge Description <b>D.U.I.</b>		Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number <b>316.193 (1)</b>		Violation of ORD #									
	Drug Activity		Drug Type		Amount / Unit		Offense # <b>17168597</b>		Warrant / Capias Number		Bond							
	Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number		Violation of ORD #									
	Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond							
	Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number		Violation of ORD #									
CHARGE	Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond							
	Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number		Violation of ORD #									
	Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond							
	Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number		Violation of ORD #									
	Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond							
NOTICE TO APPEAR	Location (Court Room Number, Address) <b>PALM BEACH COUNTY CRIMINAL JUSTICE COMPLEX - 3228 GUN CLUB RD WEST PALM BEACH FL, 33406</b>																	
	Court Date and Time Month <b>JANUARY</b> Day <b>25</b> Year <b>2018</b> Time <b>08:30</b> AM <input checked="" type="checkbox"/> PM																	
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) <i>[Signature]</i>								Date Signed <b>12/28/2017</b>										
ADMIN	HOLD for other Agency Name:		Signature of Arresting Officer <i>[Signature]</i> #9418				Name Verification (Printed by Arrestee) <b>SCANNED DEC 28 AM 3:38</b>											
	<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other:		Name of Arresting Officer (Print) <b>Corporal R Soriano</b> I.D. # <b>#9418</b>				<input type="checkbox"/> (PRINT) <b>DEC 28 2017</b>											
	Intake Deputy <b>D/S J. THOMAS #7956</b>		I.D. #		Pouch #		Transporting Officer <b>CPL SORIANO</b> ID # <b>9418</b>		Agency <b>PBSO</b>		Witness here if subject signed with an "X" <b>1</b> OF <b>1</b>							

ADMIN Agency ORI Number **FLO 50000** Agency Name **PALM BEACH COUNTY SHERIFF'S OFFICE** Agency Report Number **06-17-168597**

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

Special Notes: **SUPPLEMENTAL PC AFFIDAVIT**

DEF Name (Last, First, Middle) **Labutka, Cory, Robert** Alias \_\_\_\_\_ Race **W** Sex **M** Date of Birth **07/28/1990**

CHARGES Charge Description **DRIVING UNDER THE INFLUENCE** Charge Description \_\_\_\_\_  
 Charge Description \_\_\_\_\_ Charge Description \_\_\_\_\_

VICTIM Victim's Name (Last, First, Middle) **STATE OF FLORIDA, ,** Race \_\_\_\_\_ Sex \_\_\_\_\_ Date of Birth \_\_\_\_\_  
 Local Address (Street, Apt. Number) \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (zip) \_\_\_\_\_ Phone \_\_\_\_\_ Address Source \_\_\_\_\_  
 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.  
 The Person taken into custody  committed the below acts in my presence.  was observed by \_\_\_\_\_ who told \_\_\_\_\_ that he/she saw the arrested person commit the below acts.  
 confessed to \_\_\_\_\_ admitting to the below facts.  was found to have committed the below acts, resulting from my (described) investigation.  
 On the **28TH** day of **DECEMBER** 20 **17** at **0109**  A.M.  P.M. (Specifically include facts constituting cause for arrest.)

**On Thursday, December 28th, 2017, at approximately 0109 hours, I was stopped at a red light facing eastbound on Forest Hill Boulevard at State Road 7. As the light turned green, I began to cross the intersection. I was operating my fully marked Palm Beach County Sheriff's Office (PBSO) Patrol Vehicle. When I entered the center of the intersection, I observed a red Ford pickup truck traveling northbound on State Road 7 fail to stop at the red light, enter the intersection, almost striking my vehicle. The driver then made a sudden right hand turn to continue eastbound. I activated my red and blue emergency lights to signal the driver that I was conducting a traffic stop. I provided PBSO dispatch the vehicles attached Florida's License Plate "ISRV34".**

**After approaching the vehicle, I spoke with the driver who identified himself by his Florida Driver's License as "Cory Labutka". While speaking with Labutka, I observed that his speech was slow and slurred, his eyes were glassy and red. I detected the odor of an unknown alcoholic beverage emanating from his breath as he would speak. It should be known that Labutka was unable to follow simple instructions provided by back-up deputy Raja. He was asked for his vehicle registration information however, provided other paperwork repeatedly after explaining that these were not the requested documents. Labutka would hand over the same paper work that was already rejected.**

**Based on my observations, I suspected Labutka to be driving under the influence. I requested DUI Investigator Soriano to respond to the scene. The scene was later turned over to Investigator Soriano upon his arrival.**

PROBABLE CAUSE STATEMENT

STATE OF FLORIDA  
 COUNTY OF **PALM BEACH**  
 \_\_\_\_\_ **D/S J. Tolbert**  
 (Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this **28th** day of **December** 20 **17** by **D/S J. Tolbert**  
 (Print name of Arresting/Investigative Officer) who is personally known to me and/or produced identification. Type of identification produced **LEO**

**Inv. R. Soriano**  
 Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

ADMINISTRATIVE

**SCANNED  
 DEC 28 2017**

# D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 28TH DAY OF DECEMBER 20 17, AT 1:09 AM PM

SUBJECT: LABUTKA COREY R CASE NUMBER: 17168597

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Corporal R Soriano

## PERSONAL CONTACT

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

On Thursday December 28, 2017 at approximately 01:09 hours I was requested by Deputy Tolbert #18338 to respond to a traffic stop he conducted at the intersection of South State Road 7 and Forest Hill Boulevard in the Village of Wellington involving a possible drunk driver. Upon my arrival, I observed Deputy Tolbert and Deputy Raja's #19470 patrol car parked behind a Red Ford Ranger bearing Florida tag "ISR-V34" with their emergency lights activated just east of the intersection in the outside lane closest to the sidewalk. Upon exiting my vehicle and making contact with Deputy Tolbert, I was advised of the following, "I was stopped at a red light facing eastbound on Forest Hill Boulevard at State Road 7. As the light turned green, I began to cross the intersection. I was operating my fully marked Palm Beach County Sheriff's Office (PBSO) Patrol Vehicle. When I entered the center of the intersection, I observed a red Ford pickup truck traveling northbound on State Road 7 fail to stop at the red light, enter the intersection, almost striking my vehicle. The driver then made a sudden right hand turn to continue eastbound. I activated my red and blue emergency lights to signal the driver that I was conducting a traffic stop. I provided PBSO dispatch the vehicles attached Florida's License Plate "ISR V34".

After approaching the vehicle, I spoke with the driver who identified himself by his Florida Driver's License as "Cory Labutka". While speaking with Labutka, I observed that his speech was slow and slurred, his eyes were glassy and red. I detected the odor of an unknown alcoholic beverage emanating from his breath as he would speak. It should be known that Labutka was unable to follow simple instructions provided by back-up deputy Raja. He was asked for his vehicle registration information however, provided other paperwork repeatedly after explaining that these were not the requested documents. Labutka would hand over the same paper work that was already rejected.

Based on my observations, I suspected Labutka to be driving under the influence. I requested you to respond". I then met with Deputy Raja who told me he initially met with the driver and asked him for his documents. Deputy Raja stated the male was fumbling with the glove box struggling to open it before fumbling through paperwork. Deputy Raja told me a similar synopsis to Deputy Tolbert's. (Refer to Deputy Tolbert's supplemental P.C)

### OBSERVATION OF DRIVER:

I approached the vehicle and observed the driver who was wearing khaki short and blue collar shirt. While questioning driver who I later identified as Cory Robert Labutka. I observed that he seemed to be confused by my questions, when I asked him if he was explained why he was stopped. I observed Labutka's eyes appeared red and glassy. I observed that he was slurring his words. Labutka was asked to exit the vehicle to perform field sobriety tasks which he agreed to. While exiting the vehicle, Labutka appeared to be shaky on his feet. I asked Labutka to walk to the sidewalk away from the roadway and towards the front of my patrol car. Once in front of my vehicle I asked the driver the following questions,

### DRIVER'S STATEMENTS:

I asked Labutka if he had been drinking or used any drugs. Labutka stated he had three Miller Lite beers. I then asked Labutka if he had any medical problems and/or previous injuries and he answered "no." I asked Labutka if he wore glasses or contacts to correct his vision and he stated he was currently wearing contacts. I asked Labutka if he takes any kind of medication and he answered "no".

### ODORS:

Obvious odor of an unknown alcoholic beverage

## GENERAL OBSERVATIONS

SPEECH: slurred, slow, unclear

ATTITUDE: calm, compliant, upset, angry,

CLOTHING: wearing khaki shorts blue collard shirt

MEDICAL/OTHER: NONE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

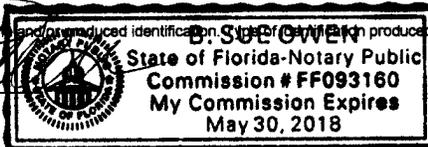
Corporal R Soriano

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 28th day of December 20 17 by Corporal R Soriano

(Print name of Arresting/Investigative Officer, who is personally known to me and/or produced identification. Sign of Officer/Agent in produce) KNOWN

Notary Public, Clerk of Court, Officer (F.S.S 117.10)



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DEC 28 2017

**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:**

Once positioned in the front of my vehicle, I continued my investigation. I instructed Labutka to keep his hands by his side, stand with his feet together, and follow a red light stimulus with his eyes not turning his head. I asked him if he understood my instructions. Labutka verbally stated he understood my instructions. Labutka swayed heavily from side to side while standing stationary. I observed both eyes to be red, bloodshot, and glossy. His 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 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 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. While conducting the task I had to remind him to keep hands by his side, not turn his head and follow the stimulus multiple times.

**WALK & TURN:**

I positioned Labutka on a painted white line 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. I instructed Labutka to place his left foot on the line and his right foot in front of the left touching heel to toe. I instructed him that he was to keep his hands at his side and stay in this position until I instructed him to do otherwise. I instructed him to walk nine heel to toe steps counting out loud, while watching his feet. On the ninth step he was to keep his front foot on the line and use his 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 his feet. I demonstrated the task while I was verbally instructing him in the proper way to complete the task. During the task, I observed the driver could not maintain the instructed position, swayed while balancing, stops walking to steady self, did not touch heel to toe, stepped off the line several times. Labutka started the walk and turn task twice and as he stepped off the line and lost his balance he requested to start over. On the third time he continued with entire task without stopping to start over. Labutka used his arms to maintain balance (+6"), did not turn properly and took the incorrect number of steps.

**ONE LEG STAND:**

I placed Labutka with his feet together and arms at his side. I demonstrated the task as I verbally instructed him to raise one of his feet approximately six inches off of the ground, point his toe towards my patrol car, look at the raised foot, and count out loud 1001, 1002, 1003 and so on until told to stop. I asked him if he understood the instructions and demonstration I provided. After Labutka stated he understood my instructions, the task was performed. While Labutka stood in the instructional position, I observed he continued to sway while standing stationary. While raising his foot he swayed while balancing, put foot down three times within 30 seconds. At this time I deemed it unsafe to continue and asked Labutka to conclude task.

**FINGER TO NOSE:**

I instructed Labutka to stand with his feet together, make each hand into a fist keeping, extended his index fingers and to place his palms facing up. He was instructed to lower his arms by his side. I instructed and demonstrated the proper hand and arm position and for him to remain in this position while I demonstrated the rest of the task. I instructed and demonstrated to him how to tilt his head back approximately 45 degrees and close his eyes while waiting for a verbal command of left or right. On the command of "left" or "right", he would raise the requested hand, touch the tip of his finger to the tip of his nose, then bring their hand immediately back down to his side. During the instruction and demonstration of the task he swayed heavily while standing in the instructional position. I asked him if he understood the instructions I provided and he verbally stated he understood. I instructed him to start the task as explained. During the task, I observed the driver did not keep eyes closed, correct finger did not touch tip of nose with tip of finger and used wrong hand.

**ROMBERG ALPHABET:**

I verbally inquired if Labutka could recite the entire English alphabet. He stated he was able to recite the English alphabet and I instructed him to place his feet together with his arms at his side and stay in this position until told to do otherwise. I instructed him that upon starting he was to tilt his head back approximately 45 degrees and close his eyes. He would begin to state the alphabet in a slow and methodical manner without singing or rhyming it. I asked him if he understood the instructions and he verbally replied he understood. During the instructions he continued to sway while standing stationary. I instructed Labutka to start the task as explained. During the task, I observed the driver swayed more than two inches from side to side, and did not recite the letters in a non rhythmic manner and Labutka repeated the letter F.

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

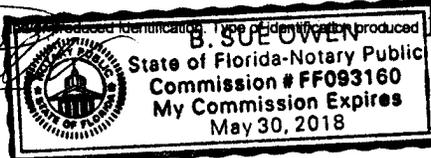
**Corporal R Soriano**

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 28th day of December, 2017 by Corporal R Soriano

(Print name of Arresting/Investigative Officer) who is personally known to me B. SUE OWEN My Commission Expires May 30, 2018

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



**SCANNED**  
**DEC 28 2017**

# WITNESS LIST

CASE NUMBER: 17168597

ARRESTING OFFICER: Corporal R Soriano

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: D/S TOLBERT #18338

ADDRESS: 3228 GUN CLUB RD WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) 561-688-3000

CAN TESTIFY TO: FACTS OF CASE

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

ADDRESS \_\_\_\_\_

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

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

NOT A CERTIFIED COPY

SCANNED  
DEC 28 2017

# TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: Labotka, Cory Robert CASE NUMBER: 17-168597

DATE: 12/28/17 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 0229 ENDING TIME: 0231

BREATH TESTS RESULTS: **REFUSED** TIME 0230 A.M./P.M. 2) ~~TIME~~ A.M./P.M.  
3) ~~TIME~~ A.M./P.M. 4) ~~TIME~~ A.M./P.M.

BREATH OPERATOR: S. Owen #3184

MAINTENANCE TECHNICIAN: J. Karlecki #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: \_\_\_\_\_

ATTITUDE: Talkative, Nervous

CLOTHING: White tennis shoes, tan shorts, blue shirt

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER: 27 yoa

## COMMENTS:

A/O & A arrived at 0208 hrs

A/O observed 20 minutes

A/O requested breath test, A refused

A/O read I/C, A understood, still refused

A/O read c/w, A understood RIGHTS

refused d & A

SCANNED  
DEC 28 2017

SUBJECT: Labutka, Cory Robert CASE NUMBER: 17-168597

## 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 Inv. Soriano of the PBSO

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

SCANNED  
DEC 28 2017

SUBJECT: Labutka, Cory Robert CASE NUMBER: 17-168597

# 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? \_\_\_\_\_

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? \_\_\_\_\_

**REFUSED**

WHAT IS TODAY'S DATE? \_\_\_\_\_ WHAT DAY OF THE WEEK IS IT? \_\_\_\_\_

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? \_\_\_\_\_

**REFUSED**

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 START WORK? \_\_\_\_\_

**REFUSED**

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

DO YOU HAVE: EPILEPSY? \_\_\_\_\_  
GLASS EYES? \_\_\_\_\_  
FALSE TEETH? \_\_\_\_\_  
EAR INFECTION? \_\_\_\_\_  
INNER EAR TROUBLE? \_\_\_\_\_  
DIABETES? \_\_\_\_\_

**REFUSED**

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? \_\_\_\_\_

**SCANNED**

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? \_\_\_\_\_ WHERE? \_\_\_\_\_

**DEC 28 2017**

INTERVIEWER: \_\_\_\_\_

WHITE - STATE ATTY.    YELLOW - DHSMV    PINK - CENTRAL RECORDS    GOLD - JAIL