

JWA 0492307 17CT18152 PCN 1045

OBTS Number ARREST / NOTICE TO APPEAR 1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias 1 Juvenile

Agency ORI Number FLO 500000 Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE Agency Report Number (N.T.A.'s only) 06-17135499
Charge Type: 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other
Location of Arrest (Including Name of Business) 46225 US Hwy 27 N, unincorp. Palm Beach County FL 33440 Location of Offense (Business Name, Address) 46225 US Hwy 27 N, unincorp. Palm Beach County, FL 33440

Name (Last, First, Middle) Lopez, Cristina Diana Alias (Name, DOB, Soc. Sec. #, Etc.)
Race W - White I - American Indian B - Black O - Oriental/Asian W Sex F Date of Birth 12/14/1975 Height 501 Weight 230 Eye Color brown Hair Color brown Complexion light Build heavy

Local Address (Street, Apt. Number) (City) (State) (Zip) Phone (239) 245-1149 Residence Type: 1. City 2. County 3. Florida 4. Out of State 3
Permanent Address (Street, Apt. Number) (City) (State) (Zip) Phone Address Source defendant
Business Address (Name, Street) (City) (State) (Zip) Phone Occupation Beer sales agent
D/L Number, State L120-104-75-954-0 Soc. Sec. Number INS Number Place of Birth (City, State) Fort Myers, FL Citizenship US

Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth 1. Arrested 2. At Large 3. Felony 4. Misdemeanor 5. Juvenile
Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth 1. Arrested 2. At Large 3. Felony 4. Misdemeanor 5. Juvenile

Name (Last) (First) (Middle) 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
The above address provided by defendant and / or defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address.
Property Crime? Yes No Description of Property Value of Property

Drug Activity S. Sell R. Smuggle K. Dispense/ M. Manufacture/ Z. Other Drug Type B. Barbiturate H. Hallucinogen P. Paraphernalia/ U. Unknown
N. N/A T. Traffic D. Deliver E. Use Distribute Produce/ Cultivate N. N/A A. Amphetamine C. Cocaine M. Marijuana O. Opium/Deriv. S. Synthetics
P. Possess

Charge Description Driving while under the influence Counts 01 Domestic Violence Y N Statute Violation Number 316.193(1) Violation of ORD #
Drug Activity Drug Type Amount / Unit Offense # 17135499 Warrant / Capias Number Bond

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Drug Activity Drug Type Amount / Unit Offense # Warrant / Capias Number Bond

Location (Court, Room Number, Address) West County Justice Complex, 2950 State Road 15, Belle Glade FL 33430
Court Date and Time Month October Day 17th Year 2017 Time 9.00 AM 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) Date Signed

HOLD for other Agency Name: Signature of Arresting Officer Name Verification (Printed by Arrestee)
D/S L. Stubblebine 24104 (PRINT) Cristina D Lopez
D/S L. Stubblebine 24104 ID # 24104 Agency PBSO
Witness here if subject signed with an -X- 1 OF 1

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (N.T.A.'s ONLY) PBSO #148 REV. 8/97

SCANNED OCT 5 AM 3:19 OCT 05 2017

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 4th DAY OF October 20 17, AT 23:58 AM PM

SUBJECT: Lopez, Cristina Diana CASE NUMBER: 17135499

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S L. Stubblebine # 24104

PERSONAL CONTACT

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

On 10/04/2017 at approximately 2334 hours I responded to US Hwy 27 northbound in unincorporated Palm Beach County FL 33440 in reference to a vehicle that was observed to be driving erratic and swerving all over the road. I was driving northbound on US Hwy 27 when I observed a black vehicle fitting the description of the reckless driver at mile marker 75. I turned my in car video system on to record the driving pattern of the vehicle as I could clearly observe it swerving between the lanes and cutting several times over the sidelines almost running of the road. When I was able to get close enough I initiated a traffic stop, due to the fear the vehicle would crash. The vehicle, a 2006 black colored BMW bearing FL tag BZSH13 pulled over without using any blinkers. When I approached the vehicle the defendant, Cristina Diana Lopez later identified by her valid FL driver's license, was the sole occupant and sitting in the driver seat while the engine was still running.

OBSERVATION OF DRIVER:

When I walked up to the vehicle Lopez was sitting in the driver seat and I was able to observe that she had watery and bloodshot eyes. Her clothing and hair was disheveled. When I told her the reason for the stop I was able to observe that she had difficulties to follow the conversation and her speech was incoherent, slow and slurred. I asked her to provide me her driver's license, registration and insurance paperwork. She looked at me with a blank stare and answered her phone and started talking to her boyfriend, stating that she was here with the license while pointing at me. After repeatedly asking her for her paperwork she went through her purse and tried to give me her Florida debit card. I advised her I did not need her bank card but her license. After several times looking and asking what I need again she gave me her driver's license and when told to give me again her bank card and her health insurance card. I advised her again I did not need those. After I ran her license through the system, I approached the vehicle again and informed her that I was under the impression that she was under the influence and asked her to do some road side tasks for me. She agreed and exited the vehicle. I was able that she had difficulties to hold her balance while getting out of the vehicle and was swaying and stumbling while walking towards my patrol vehicle. Midway towards my vehicle she stopped, turned around and started walking towards her vehicle again, stating she needed something from there. We walked back to the vehicle and she opened the driver side door looked in the vehicle and then closed the door again and said never mind and started walking again towards my vehicle. When asked what she was looking for she was not able to provide an answer to me but stated she had to pee.

DRIVER'S STATEMENTS:

She was not able to answer my questions or follow the conversation. When asked if she had anything to drink, she stated no.

While outside of vehicle: I asked the driver if she had any medical problems, injuries and he said no.

ODORS:

GENERAL OBSERVATIONS

SPEECH: slurred, slow, stumbling.

ATTITUDE: she had several times sudden mood changes, refused to listen, was argumentative, then polite and started cursing right after that

CLOTHING: her clothing was disheveled, her hair was uncombed

MEDICAL/OTHER: Defendant stated no medical problems that would hinder her to do the roadside tasks. She stated that she was not taking any kind of medication or had any injuries.

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S L. Stubblebine # 24104

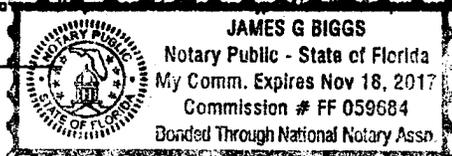
(Signature of Arresting Investigative Officer)

This foregoing instrument was read to and subscribed before me this 5th day of October 20 17 by D/S L. Stubblebine 24104

(Print name of Arresting Investigative Officer), who is personally known to

Law Enforcement Officer

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



SCANNED
OCT 05 2017

ADMIN Agency ORI Number **FLO 500000** Agency Name **PALM BEACH COUNTY SHERIFF'S OFFICE** Agency Report Number **06-17135499**

Charge Type: Check as many as apply. 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other Special Notes:

DEF Name (Last, First, Middle) **Lopez, Cristina Diana** Alias _____ Race **W** Sex **F** Date of Birth **12/14/1975**

CHARGES Charge Description **Driving while under the influence 316.193(1)** 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 **4th** day of **October** 20 **17** at **23:58** A. M. P. M. (Specifically include facts constituting cause for arrest.)

Horizontal Gaze Nystagmus:

The defendant was placed with their feet together and hands down by their side. The defendant was clearly instructed to await the instructions prior beginning the task. Before I could start my instructions for the task, the defendant all of the sudden stated that she had to pee and could not hold it any longer. She asked to relieve herself before the task as she would not be able to do it other than that. The defendant walked behind my vehicle and peed right there next to the road. During this time she started to become agitated. After this we returned in front of my patrol vehicle and I gave her clear instructions in regards to the task. The defendant acknowledged that they clearly understood my instructions prior to me beginning my instructions for the task. I placed my stimulus in front of the defendant and ask the defendant if they could see the red light to which she said "yes."

I asked the defendant to touch the tip of the stimulus and she reached out and touched it. She had difficulty to find the tip and had to use my hand that was holding the stimulus as guidance and was placing her hand over mine.

Her eyes had equal pupil size and had no visible resting nystagmus.

I was able to observe a lack of smooth pursuit in both of her eyes and a distinct and sustained nystagmus at maximum deviation when she was following the stimulus with her eyes. During the task the defendant was repeatedly moving her head or was just staring in my face. Although I instructed her several times to only follow the stimulus with her eyes and eyes only she moved her head and stated that she had to move her head because my stimulus was moving. Due to her moving her head and not following the stimulus with her eyes I was not able to observe an onset of nystagmus prior to 45 degrees in either of her eyes.

The defendant had no vertical nystagmus in any of her eyes during the task.

STATE OF FLORIDA COUNTY OF PALM BEACH
 D/S L. Stubblebine # 24104 *Stubblebine*
 (Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this **5th** day of **October** 20 **17** at _____ D/S L. Stubblebine # 24104
 (Print name of Arresting/Investigative Officer), who is personally known to me and/or produced a valid identification card.

Notary Public, State of Florida
 My Comm. Expires Nov 18, 2017
 Commission # FF 059684
 Bonded Through National Notary Assn.

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 used the painted sideline for the roadside task. I told the defendant to place their left foot on the imaginary line with their right foot in front of the left, heel to toe. I told the defendant to remain in the position throughout my instructions and demonstration. The defendant was instructed not to start the task prior to me telling them to begin. The defendant acknowledged and stated that she completely understood my instructions but still started the task prior to being advised twice. The defendant was then instructed on the task which was also demonstrated. The defendant swayed during my instructions and was unable to hold the starting position. She was using her arms for balance and was stepping of the line several times. When she finally was standing there I asked her if she had anymore questions and she stated no. I asked her to start the task but she was just starring at me and did not start. During the traffic stop I had two Deputies present to assist me and make sure the scene is safe during the road side tasks. D/S San Filippo was standing during my instructions next to her but had to walk away. She was looking at him walking away and was just starring after him not listening to my instructions. I asked her to pay attention to what I was asking from her and to start the task. She looked at me and stated, that she would not start the task prior to D/S San Filippo returning and that she was waiting on him. I explained to her several times, that I was the primary officer and she had to follow my instructions and start the task. Meanwhile D/S Freer walked up and took D/S San Filippo's spot. She looked at him but did not realize that it was a different officer and stated again that she would not start but wait for him. At this point I gave her her Taylor warnings, letting her know the consequences of a refusal to do road side tasks. She stated she would understand and that this was not a refusal but she would wait for him and not start. I asked her one more time but she refused to start the task or follow my instructions. At this time I placed her under arrest and in handcuffs.

ONE LEG STAND:

Refused

FINGER TO NOSE:

Refused

ROMBERG ALPHABET:

Refused

BREATH TEST RESULTS: 1) .209 2) .208 3) 4)

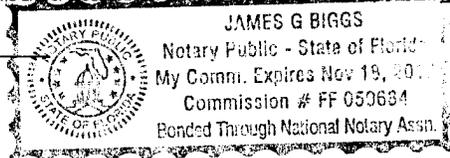
STATE OF FLORIDA
 COUNTY OF PALM BEACH

D/S L. Stubblebine # 24104 *Stubblebine*
 (Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 5th day of October 2017 by D/S L. Stubblebine 24104

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

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



SCANNED
 OCT 05 2017

TESTING FACILITY TASK REPORT

AGENCY: PBSO
SUBJECT: LOPEZ, CRISTINA DIANA CASE NUMBER: ±17-135499
DATE: OCT. XXXXXX 5th, 2017 VIDEO TAPE NUMBER: N/A
BEGINNING TIME: 01:16 hrs. ENDING TIME: 01:28 hrs.
BREATH TESTS RESULTS: 1) .209 TIME 01:21 A.M./P.M. 2) .208 TIME 01:24 A.M./P.M.
3) / TIME / A.M./P.M. 4) / TIME / A.M./P.M.
BREATH OPERATOR: J. CAIN #2109
MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: sturred & times mumbled
ATTITUDE: crying -/t s on, dt. mood swings
CLOTHING: 1/2 long sleeve shirt, 1/2 tank top, 1/2 slip slippers
MEDICAL CONDITIONS: said none
MEDICATIONS: said none
OTHER: brn/brn 41 YOA
Obs of unknown alcoholic beverage
Eyes: Red, glassy + watery
COMMENTS: 20 MIN. OBSERV DONE BY ARRESTING DS

Said yes to 1st request.
Have two samples. Results: tld to Δ.
Rights were read / refused to answer any questions

SCANNED
OCT 05 2017

SUBJECT: LOPEZ, CRISTINA DIANA CASE NUMBER: 17-136499

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

**SCANNED
OCT 05 2017**

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

SUBJECT: LOPEZ, CRISTINA DIANA CASE NUMBER: 17-135499

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? _____

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? _____

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? _____ WHAT? _____ 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: _____

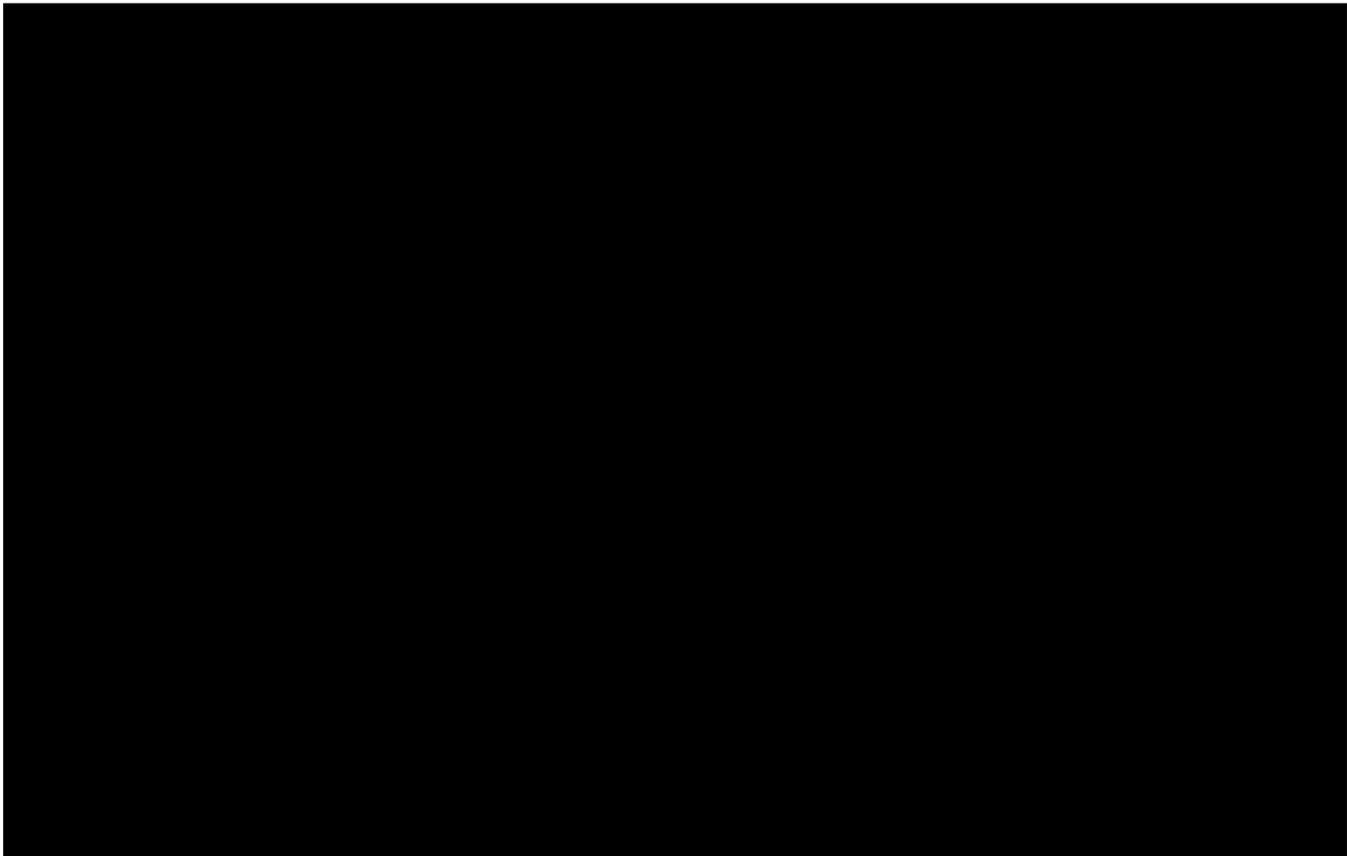
WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

REFUSED

NOT A CERTIFIED COPY

SCANNED

OCT 05 2017



NOT A CERTIFIED

SCANNED
OCT 05 2017

WITNESS LIST

CASE NUMBER: 17135499

ARRESTING OFFICER: D/S L. Stubblebine # 24104

ADDRESS: 38840 State Road 80, Belle Glade FL 33430

PHONE NUMBERS (HOME): District- 561-996-1670 (WORK) 561-688-3000

CAN TESTIFY TO: DUI investigation

NAME: D/S Freer # 8379

ADDRESS: 38840 State Road 80, Belle Glade FL 33430

PHONE NUMBERS (HOME) District 561-996-1670 (WORK) 561-688-3000

CAN TESTIFY TO: Traffic stop

NAME: D/S San Filippo # 25572

ADDRESS 38840 State Road 80, Belle Glade FL 33430

PHONE NUMBERS (HOME) District 561-996-1670 (WORK) 561-688-3000

CAN TESTIFY TO:

NAME:

ADDRESS

PHONE NUMBERS (HOME) (WORK)

CAN TESTIFY TO:

NAME:

ADDRESS

PHONE NUMBERS (HOME) (WORK)

CAN TESTIFY TO:

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SCANNED OCT 05 2017