

J#0481021

16CT17211

P# 2238

ARREST / NOTICE TO APPEAR

SEP 12 AM 3:51

PROBABLE CAUSE AFFIDAVIT

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

JUVENILE

OBTS Number		PROBABLE CAUSE AFFIDAVIT						
A D M I N I S T R A T I V E	Agency ORI Number FL 0500200	Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2016-013300					
N	Charge Type: Check as many as apply. <input type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other			Special Notes:				
D E F	Name (Last, First, Middle) ARITA, DAGOBERTO			Alias		Race W	Sex M	
C H A R G E S	Charge Description 316.193(1) DUI			Charge Description				
V I C	Charge Description			Charge Description				
T I M	Victim's Name (Last, First, Middle) STATE OF FLORIDA,			Race	Sex	Date of Birth		
C	Local Address (Street, Apt. Number) 100 NW 2ND AVE, BOCA RATON, FL 33432			(City)	(State)	(Zip)	Phone (561) -	Address Source
M	Business Address (Name, Street)			(City)	(State)	(Zip)	Phone (561) -	Occupation
<p>The undersigned certifies and swears that he/she has just and resonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.</p> <p>The Person taken into custody . . .</p> <p><input type="checkbox"/> committed the below acts in my presence. <input type="checkbox"/> was observed by _____ who told _____</p> <p><input type="checkbox"/> confessed to _____ that he/she saw the arrested person committ the below acts.</p> <p><input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.</p> <p>On the 12 day of September, 2016 at 01:15 (Specifically include facts constituting cause for arrest.)</p>								
<p>On 9-12-2016 at 0028 hours, I responded to 2420 NE 5th Ave. in reference to a disturbance. An anonymous caller notified BRPD when she heard an occupied Silver Acura sitting in the driveway of the above listed address playing loud music. The caller stated that the music had been playing for hours and she requested BRPD to arrive on scene and ask that the music be turned off.</p> <p>I arrived on scene a short time later and observed the Silver Acura sitting in the above mentioned address. I could hear the music as I was still responding to the scene. It should be noted that the vehicle was turned on, keys in the ignition and Arita had actual/physical control of the car. I exited my marked police vehicle and approached the driver's side portion of the car and observed a W/M, later identified through his FLDL as Dagoberto Arita, sitting in the driver's seat of the car. I stood next to the car for approximately 10 seconds and observed Arita consuming alcohol from a labeled 12 oz. Heineken bottle. Arita had no idea that I was there. I knocked on the window to gain his attention and requested that he roll down the window. Arita had a delayed reaction time to rolling down the window. Upon rolling down the window, Arita had a red/glossy eyes and a strong odor of alcohol coming from his breath. While Arita was looking at me, it appeared as if he was starting right through me. I had to ask Arita to turn down the music which was still blaring.</p> <p>I began speaking with Arita who informed me that he left work a short time ago and was now at his friends house. He stated that he was about to go inside to sleep for the night, even though he lived right around the corner.</p> <p>Ofc. Saavedra arrived on scene a short time later as back-up. Ofc. Saavedra also translated from English to Spanish.</p> <p>Once on scene, I requested that Arita step out of his vehicle, which he did. We walked</p>								
ADMINISTRATIVE	SWORN AND SUBSCRIBED BEFORE ME PATTERSON, MARC P NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 117.10) 09/12/2016 DATE				SIGNATURE OF ARRESTING / INVESTIGATING OFFICER VAN CAMP, JEFFERY ALAN (747) NAME OF OFFICER (PLEASE PRINT) 09/12/2016 DATE			
					SCANNED SEP 12 2016			
					PAGE 1 OF 2			

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.

OBTIS Number		PROBABLE CAUSE AFFIDAVIT SUPPLEMENT			1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias	1	JUVENILE
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D E F	Name (Last, First, Middle) ARITA, DAGOBERTO	Alias			Race W	Sex M	Date of Birth 02/26/1971	

to the front of my marked police vehicle so that I could ask him further questions. Once there, Arita told me that he consumed "three beers" tonight. He advised that he left his place of work earlier in the night and came over to his friends house. Arita did not feel as if he was intoxicated and consented to the standard roadside exercises to dispel my alarm he was driving impaired.

He advised he did not have any medical conditions or any injuries. He did not have any issues with his eyes. I explained and demonstrated each task before he performed them.

The first task was the Horizontal Gaze Nystagmus. He was standing for this exercise. While observing HGN, each eye had a constant jerking while at maximum deviation. Lack of smooth pursuit was present in both eyes. Onset prior to 45 degrees was also present. Also, at times throughout the exercise, he would not follow the light with his eyes and I had to tell him to do so. The odor of alcohol was strong while in close proximity with him.

The second task was the Walk and Turn. Arita did not maintain the starting position. He started the exercise early. He did not go heel to toe the entire time as instructed.

The third task was the One Leg Stand. Arita used his arms for balance. While performing the task, Arita asked on three difference occasions how long he had to conduct the task. He re-started the exercise at one point and did not count out loud as instructed.

The fourth task was the Finger to Nose (L-R-L-R-R-L). L- Eyes were open, held finger to nose, missed the tip of his nose. R- Touched the side of his head, held his finger. L- Held finger to nose, Arita was using all 5 fingers instead of just his index fingers. R- Used all 5 fingers. L- Used all 5 fingers.

The fifth task was the Rhomberg Number Sequence (30-60). While counting Arita missed the number 57. He was slurring while counting.

At 0115 hours, I placed Arita under arrest for DUI per F.S.S. 316.193(1) and transported her to the Boca Raton Police Dept. for processing. Ofc. Burke conducted the Intoxilyzer Testing. While in the DUI room, Arita refused to provide a breath sample. He was read him implied consent and again he refused.

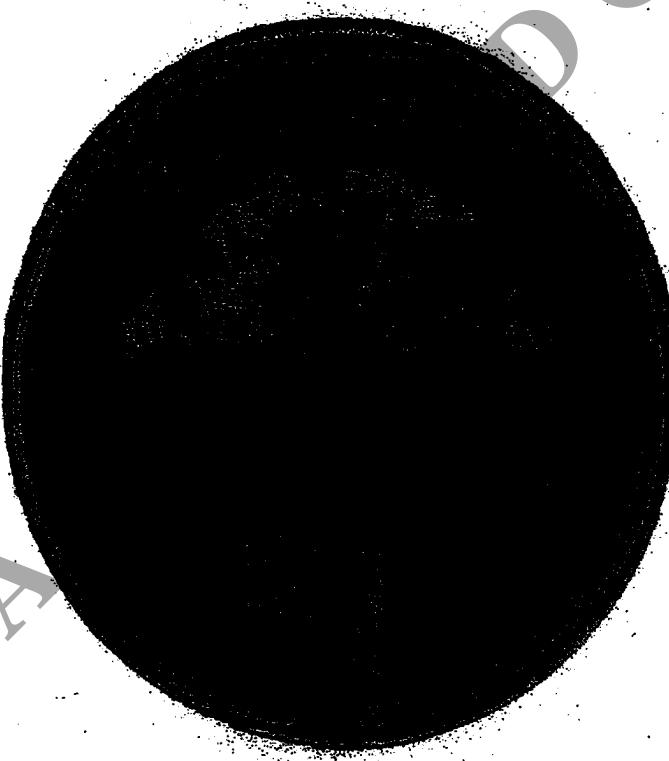
Arita was later taken to the Palm Beach County Jail for final disposition. The video of the roadside exercises were uploaded into BPD Evidence.

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OBS. PERIOD 0125 hrs
10-15 TIME: 0115 hrs
CASE #: 2016-013300

D. U. I. INFLUENCE REPORT

NOT A
COPY



Boca Raton Police Services Department

100 Northwest Second Avenue

Boca Raton, Florida 33432

SCANNED
SEP 12 2016

WITNESS LIST

ARRESTING OFFICER: Ofc. VAN CAMP ID: 747

Name: Ofc. VAN CAMP Phone # Home ⁽⁵⁾ 338-1234 Work _____

Address: 100 NW 2nd Ave. BOCA RATON, FL 33432

Can testify to: 10-15

Name: Ofc. SAVEEDRA ID 777 Phone # Home ⁽⁵⁾ 338-1234 Work _____

Address: 100 NW 2nd Ave. BOCA RATON, FL 33432

Can testify to: ROADSIDES 10-32 translation

Name: Ofc. BURKE ID: 749 Phone # Home ⁽⁵⁾ 338-1234 Work _____

Address: 100 NW 2nd Ave. BOCA RATON, FL 33432

Can testify to: 10-32

Name: _____ Phone # Home _____ Work _____

Address: _____

Can testify to: _____

Name: _____ Phone # Home _____ Work _____

Address: _____

Can testify to: _____

Name: _____ Phone # Home _____ Work _____

Address: _____

Can testify to: _____

Name: _____ Phone # Home _____ Work _____

Address: _____

Can testify to: _____

SCANNED
SEP 12 2016

BOCA RATON POLICE DEPARTMENT

Agency Case# 2016 - 13300

PART II D.U.I. REPORT
To be filled out at testing facility

I. INTRODUCTION

(Instrument Operator faces video camera)

A. The day is: MONDAY (day) SEPTEMBER (month) 12th (date) 2016 (year)

B. The time is now approximately 0145 hrs ~~AM/PM~~

C. The following is in reference to case number 2016 - 13300

D. Present at this time is Off. Van Camp / Ofc. Sarecda / Ofc. Burke of the Boca Raton Police Department. (Officer's Name)

E. Officer BURKE VAN CAMP, Have you arrested DAGOBERTO ARITA (Defendant's name)

In violation of Florida State Statute 316.193?

F. Did this violation occur within the City of Boca Raton, Palm Beach County, Florida?

G. Mr/Mrs./Ms. ARITA, I am required to inform you these proceedings are being video taped.

Operator Note: Video tape breath request, breath sample, and interview

SCANNED
SEP 12 2016

BOCA RATON POLICE DEPARTMENT

Agency Case # 2016-13300

H. AT THIS TIME THE ARRESTING OFFICER WILL REQUEST A BREATH SAMPLE.

Note: Read only the paragraph applicable to the type of test you are requesting.

1. A. I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.
- B. I am now requesting that you submit a lawful test of your URINE for the purpose of determining its alcohol content.
- C. 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 controlled substances.

IMPLIED CONSENT WARNINGS

Note: Read only if the subject does not comply with your request.

2. I am Ofc. Sareedra of the Boca Raton Police Dept.

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 signature: ON VIDEO

ALSO READ FOR CDL HOLDERS

IN ADDITION, your refusal to submit will result in the loss of your commercial privileges for **one year from today**. If this is your **SECOND REFUSAL**, you will be permanently disqualified from operating a commercial motor vehicle.

After reading the implied consent warning, the arresting officer must request a breath sample again.

SCANNED

(IF REFUSAL THEN)

SEP 12 2016

At this time Mr/Mrs/Ms. _____ has refused to submit to a breath test.

The date is Sept. (Month) 12th (Day) 2016 (Year) and the time 9:00AM/PM

A refusal form will be completed by the arresting officer.

BOCA RATON POLICE DEPARTMENT
TESTING FACILITY TASK REPORT

SUBJECT: DUI

CASE #: 16-13300 DATE: 09/12/2016

BREATH TESTS RESULTS:

1) TIME _____ AM/PM 2) TIME _____ AM/PM
3) TIME _____ AM/PM 4) TIME _____ AM/PM

BREATH OPERATOR: Off. Burke 749

MAINTENANCE TECHNICIAN Off. Brock 495

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM / QUIET

CLOTHING: WHITE POLO SHIRT / PLAID SHORTS / BLACK SHOES, white socks

MEDICAL CONDITIONS: NONE

OTHER: _____

COMMENTS: _____

SCANNED
SEP 12 2016

BOCA RATON POLICE DEPARTMENT

Agency Case # 2016 - 13300

ADULT CONSTITUTIONAL WARNINGS
(Juvenile warning on reverse side)

"I am required to warn you before you make any statement that you have the following rights":

- 1) You have the right to remain silent and not answer any questions.
- 2) Any statement you make must be freely and voluntarily given.
- 3) You have the right to the presence of a lawyer and representation 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 statement 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 be and will be used against you in a court of law.

DO YOU UNDERSTAND THESE RIGHTS AS I HAVE READ THEM TO YOU AND DO YOU WISH TO SPEAK TO ME?

(X) _____

QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? No

Where were you going? To a friend's house so I could sleep

What street or highway were you on? Between 20th and NE 5th

Direction of travel? I wasn't driving

Where did you start driving from? 4050 NE 20th St

What City (County) were you stopped in? Boca Raton

What time did you start? 7:200 10:00 AM/PM What time is it now I am

What is today's date? 09/11/16 What day of the week is it? Monday

SCANNED

SEP 12 2016

BOCA RATON POLICE DEPARTMENT

Agency Case # 2016-013300When did you last eat? 0900 / Sunday What did you eat? SoupWhat have you been doing the past three hours prior to this stop/accident? WorkingHow much do you weigh? 180 Have you been drinking? Yes What were you drinking? BeerHow much? 3 Where? One at work / 2 at friends house With whom were you drinking? AlsoWhen did you have your first drink? 9:00 AM/PM When did you stop drinking? 12:00 AM/PMHow did you consume your last two drinks? Relax listening to music inside my carAre you under the influence of alcohol now? Yes No Can you feel the affects of alcohol? Yes No Have you consumed alcohol since the accident? Yes No Can you feel the affects of alcohol? Yes No Have you consumed alcohol since the accident? Yes No How much? _____ What? _____

Where? _____

What line of work are you in? ButcherWhen did you last work? Sunday at 2200Do you have any physical defects or injuries? Yes No If yes, explain: _____Are you sick or injured? Yes No If yes explain: _____Do you limp? No Did you get a bump on the head? NoWere you involved in an accident today? NoHave you taken any drugs or smoked marijuana today? No

What? _____ When? _____

Have you seen a doctor or dentist today? No Who? _____Are you taking any prescription medicines? Yes No What? _____ When? _____Do you have: Epilepsy? Yes No Inner ear trouble? Yes No
Glass Eye? Yes No Ear Infection? Yes No
False Teeth? Yes No Diabetes? Yes No Any eye problems not correctable by glasses or contact lenses? NoDo you take insulin? Yes No If yes, when was your last injection? _____Have you ever had a driver's license in any other state? NoI am now ending this videotaping. The time now is approximately 0201 AM/PMSeptember 12 2016 (day) 2016 (year)SCANNED
SEP 12 2016