

0511362

2019 CF009289
ARREST / NOTICE TO APPEAR

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

1765
1

JUVENILE

ORIS Number	Agency ORI Number 0500200		Agency Name Boca Raton Police Department		Agency Report Number (N.T.A.'s only) 3, 2 2019-013149	
Charge Type: Check as many as apply	☐ 1. Felony ☒ 2. Traffic Felony		☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other	
Location of Arrest (Including Name of Business) 1968 NW 5TH AVE, BOCA RATON FL 33431			Location of Offense (Business Name, Address) 2400 N FEDERAL HWY, BOCA RATON, FL 33431			
Date of Arrest 09/29/2019	Time of Arrest 02:04	Booking Date 09/29/2019	Booking Time 02:14	Jail Date 09/29/2019	Jail Time 02:09	Location of Vehicle 1968 N FEDERAL HWY BOCA
Name (Last, First, Middle) COBB, DALE M						
Alias: None						
Race W - White B - Black O - Oriental/Asian	Sex M	Date of Birth 04/20/1986	Height 5'11	Weight 200	Eye Color BLUE	Hair Color GRAY
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)			Marital Status S	Religion NONE	Indication of Alcohol Influence Yes ☐ No ☐ Unknown ☐	
Local Address (Street, Apt. Number) 2500 N FEDERAL HWY 215, BOCA RATON, FL 33431			(City) BOCA RATON		(State) FL	(Zip) 33431
Permanent Address (Street, Apt. Number) 2500 N FEDERAL HWY 215, BOCA RATON, FL 33431			(City) BOCA RATON		(State) FL	(Zip) 33431
Business Address (Name, Street) SHY AVIATION,			(City) BOCA RATON		(State) FL	(Zip) 33431
D/L Number, State 167785958 / CT			INS Number BRIDGEPORT, CT,		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
☐ Parent ☐ Other: _____ Name (Last, First, Middle)			Residence Phone			
☐ Legal Custodian			Business Phone			
Address (Street, Apt. Number) (City) (State) (Zip)			Notified by: (Name) Date Time			
Released To: (Name) Relationship			Date Time			
The above address was provided by ☐ defendant and/or ☐ defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.			School Attended Grade			
☐ Yes, by: ☐ No			Property Crime? ☐ Yes ☒ No Description of Property Value of Property			
Drug Activity N. N/A P. Possess						
S. Sell B. Buy T. Traffic						
R. Seizure D. Deliver E. Use						
K. Dispose/ 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. Synthetic						
U. Unknown Z. Other						
Charge Description DUI			Statute Violation Number 316.193(1)		Violation of ORD #	
Drug Activity	Drug Type N	Amount / Unit /	Offense # 2019-013149	Counts 1	Domestic Violence ☐ Y ☒ N	Warrant / Capias Number
Charge Description LEAVING THE SCENE OF A CRASH WITH INJURY			Statute Violation Number 316.027(2A)		Violation of ORD #	
Drug Activity	Drug Type N	Amount / Unit /	Offense # 2019-013149	Counts 1	Domestic Violence ☐ Y ☒ N	Warrant / Capias Number
Charge Description			Statute Violation Number		Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence ☐ Y ☒ N	Warrant / Capias Number
Health / Apparent Physical Condition of Defendant GOOD			Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries			
Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☒ T.O.T. County Jail			PROPERTY - Received By BRPD			
☐ Posted Bond ☐ South County Mental Health			Released By BRPD			
Transported By BRPD			Date Transported 09/29/2019		Time Transported 02:09	
☐ INSTRUCTION NO. 1 - Mandatory appearance in court ☒ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.			Location (Court, Room) South County 200 W Atlantic Ave Delray Beach, FL 33444			
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.			Court Date and Time			
Signature of Defendant (or Juvenile and Parent/Custodian)			Date Signed			
HOLD for Other Agency			Signature of Transporting Officer LAUCKNER		Name Verification (Printed by Agency)	
☐ Dangerous ☐ Resisted Arrest			Name of Arresting Officer (Print) VICK, B. J.		(PRINT)	
☐ Suicidal ☐ Other			ID # 821		PAGE 1 OF 1	
Intake Agency BRPD			Transporting Officer LAUCKNER		ID # 801	
Pouch #			Agency BRPD		Witness here if subject signed with you	

Received WB
OCT 01 2019

LAUCKNER #901

FILED
SEP 30 2019
Clerk & Court

OBT Number		PROBABLE CAUSE AFFIDAVIT		1 Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1	JUVENILE
A D M I N	Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT		Agency Report Number 3 2 2019-013149				
	Charge Type: Check as many as apply. ☐ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance ☒ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other					Special Notes:			
D E F	Name (Last, First, Middle) COBB, DALE M				Race W	Sex M	Date of Birth 04/20/1986		
	Alias								
C H A R G E S	Charge Description 316.027(2A) LEAVING THE SCENE OF A CRASH WITH INJURY				Charge Description 316.193(1) DUI				
	Charge Description				Charge Description				
V I C T I M	Victim's Name (Last, First, Middle) ORDWAY, AMBER ELIZABETH				Race W	Sex F	Date of Birth 11/08/1972		
	Local Address (Street, Apt. Number) (City) (State) (Zip) 303 SW 8TH AVE, BOYNTON BEACH, FL 33435				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. ☒ confessed to <u>ME</u> admitting to the below facts ☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. ☒ was found to have committed the below acts, resulting from my (described) investigation. On the <u>28</u> day of <u>September</u>, <u>2019</u> at <u>23:23</u> (Specifically include facts constituting cause for arrest.) On 09/28/19 at approximately 2213 hours I was dispatched to a hit and run crash at 2400 N. Federal Hwy. An anonymous caller stated that there was a crash between a Cadillac and a white Jeep and that the Cadillac was attempting to flee the scene through the parking lot towards Publix. The victim then called 911 and stated that she was in a white Jeep and that the vehicle which had struck her had parked in the Publix parking lot. She described the driver of that vehicle to be a W/M wearing a gray shirt and black pants and was staggering into Publix. I then arrived on scene and made contact with the victim, Ms. Amber Ordway. She advised she was driving North on N. Federal Hwy when she observed the suspect who was driving South on N. Federal Hwy to make a left turn in front of her as he proceeded East on NE 24th St. She advised she had a green light and when he made his left turn, he violated her right of way causing her to strike the rear passenger side of his vehicle with the front passenger side of her vehicle. I observed there to be disabling damage to her vehicle, consistent with her explanation of what occurred. She advised she then followed the suspect through the parking lot never losing visual of him. She stated he then parked over near the Beehive Kitchen. She stated she maintained a visual of him and that he was the driver of the Cadillac and was the sole occupant. She watched the suspect walk into Publix in a staggering manner. I then was advised by Dispatch that the suspect had exited Publix and was walking over near McDonalds. I observed the male matching the suspect's description to be sitting inside McDonalds. When he looked up at me entering the restaurant, he stood up and immediately walked out in an apparent attempt to avoid me. I then made contact with him and identified myself and explained the reason that I was taking him into custody. He was then escorted over to my vehicle so that I could complete the crash investigation. I asked him if he consumed any alcohol between the time of the crash and the time when I took him into custody and he advised he did not.									
A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME								
	_____ MAZER, DEREK NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 417.10)				_____ SIGNATURE OF ARRESTING / INVESTIGATING OFFICER				
	_____ 09/29/2019 DATE				_____ VICK, BRYAN JAMES (821) NAME OF OFFICER (PLEASE PRINT) _____ 09/29/2019 DATE				
PAGE 1 OF 3									

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.

OBTS Number		PROBABLE CAUSE AFFIDAVIT SUPPLEMENT		1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias	1	JUVENILE
Agency ORI Number FL 0500200	Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2019-013149					
Charge Type Check as many as apply: ☐ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance ☒ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other		Special Notes:					
Name (Last, First, Middle) COBB, DALE M				Race W	Sex M	Date of Birth 04/20/1986	

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After completing the crash investigation, I explained to the suspect that I was "changing hats" and had concluded my crash investigation and would now be beginning my DUI investigation. I read him his miranda rights via agency preprinted card. He stated that he understood his rights and with those rights in mind, he did wish to speak with me. During my interactions with the suspect there was an odor of alcohol being emitted from his breath. I asked the suspect why he never made any attempt to provide his information to the victim nor did he stop to see if she needed medical attention from her injuries sustained in the crash (Injuries to her neck) however he could not provide me with a plausible answer.

I asked when the last time he had consumed alcohol was and he advised 3 hours prior (2000 hrs). I then asked what he was drinking and he advised "The stuff when people celebrate" and then after pondering the question for approximately a minute he advised "champagne". When asked how many glasses he consumed he advised two. I asked him if he took any narcotics or medication that would interfere with his faculties.

When I asked him about the crash, he first stated he did not know what I was talking about. When I pointed out the victim's vehicle he stated he may have bumped her but that he usually listens to the Howard Stern Show on the radio and they play a lot of sound effects which may be why he didn't hear the crash. He then admitted that he was involved in the crash but stated he didn't try to flee the scene. I explained that he was legally obligated to stop after being involved in a crash and that the person he hit had injuries due to his actions.

The suspect advised that a Bachelors Degree was his highest level of education. He stated he does not have any problems with his back, legs or neck that would prevent him from performing field sobriety tasks. I then asked if he was willing to submit to a series of tasks to determine his level of impairment and he stated he was. I then escorted him over to a flat, level, dry surface where I would be conducting the tasks.

Task one was the walk and turn. I explained the instructions to the suspect and ensured that he understood them prior to beginning. While standing in the starting position, the suspect had to use his arms for balance several times and was swaying 3-4 inches back and forth. The suspect counted 6, 7, 9 on the way back, skipping the number 8.

Task two was the one leg stand. I explained the instructions to the suspect and made sure he understood them prior to beginning. The suspect never raised his foot off the ground more than two inches. The suspect did not have his head down to look at his foot as he was instructed to. The suspect put foot on the ground to prevent falling down 12 times. He used his arms for balance for the entirety of the task.

Task three was the finger to nose (L, R, L, R, R, R, L). I explained the instructions to

SWORN AND SUBSCRIBED BEFORE ME MAZER, DEREK B NOTARY PUBLIC / CLERK OF COURT OFFICER (F.S.S. 117.10) 09/29/2019 DATE	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER VICK, BRYAN JAMES (821) NAME OF OFFICER (PLEASE PRINT) 09/29/2019 DATE
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COURT

STATE ATTORNEY

CENTRAL RECORDS

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CRIME ANALYSIS

P.I.O.

OBT Number		PROBABLE CAUSE AFFIDAVIT SUPPLEMENT		1 Arrest 2 N.T.A.	3 Request for Warrant 4 Request for Capias	1	JUVENILE
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 2019-013149				
Charge Type: Check as many as apply ☐ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance ☒ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other				Special Notes:			
Name (Last, First, Middle) COBB, DALE M				Race W		Sex M	Date of Birth 04/20/1986
the suspect and he advised he understood them prior to beginning. Prior to beginning, the suspect fell off the line and had to catch himself from falling. Upon beginning, the suspect did not have his head tilted towards the sky as he was instructed to. The suspect was swaying 4-6 inches as he performed the task. The suspect had to catch himself from falling during the task. He touched the tip of his finger to the bridge of his nose once and also touched the bridge of his nose with part of his finger that was approximately one inch from the tip. Task four was the Romberg without Recitation. I explained the task to the suspect and he advised he understood the instructions prior to beginning. I used my watch to show the suspect thirty seconds prior to beginning. The suspect ended the task at one minute and nine seconds and was swaying approximately 3-6 inches during the task. Task five was the Horizontal Gaze Nystagmus. He was instructed how to stand during the exercise and he advised he understood. He advised he did not have any problems with his eyes other than him requiring glasses or contact lenses. He exhibited lack of smooth pursuit with both eyes. There was distinct and sustained Nystagmus at maximum deviation in both eyes and there was onset of Nystagmus prior to 45 degrees in both eyes. I then advised the suspect he was being placed under arrest for Driving Under the Influence (F.S.S. 316.193(1) and Leaving the Scene of a Crash with Injury (F.S.S. 316.027(2A)). He was handcuffed (double locked) behind his back with the cuffs checked for proper spacing. The defendant was transported to the Boca Raton Police Department for booking. Ofc. Lauckner served as the breath test operator for this case. The defendant was asked to provide a sample of his breath which he consented to. The breath test results were .230, .200 and .205. The defendant's vehicle was towed to Emerald Towing. The defendant was then transported to the Palm Beach County Jail. He was issued Florida Uniform Traffic Citation A6LQ91E for Driving Under the Influence and Florida Uniform Traffic Citation A8EYAXE for Leaving the Scene of a Crash with Injury, both with a mandatory court date of 10/29/19 at 0830 at the South County Courthouse in Delray Beach.							
SWORN AND SUBSCRIBED BEFORE ME MAZER, DEREK B NOTARY PUBLIC / CLERK OF COURT OFFICER (F.S.S. 117.10) 09/29/2019 DATE  SIGNATURE OF ARRESTING / INVESTIGATING OFFICER VICK, BRYAN JAMES (821) NAME OF OFFICER (PLEASE PRINT) 09/29/2019 DATE							
						PAGE 3 OF 3	

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT**

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOCA RATON PD
Instrument Serial Number: 80-006622 Software: 8100.27
Date of Test: 09/29/2019

Date of Last Agency Inspection: 08/06/2019
Observation Period Began: 23:34
Subject's Name: DALE M COBB

DOB: 04/20/1986 Sex: M

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	23:56
	Air Blank	0.000	23:56
	Control Test	0.079	23:57
	Air Blank	0.000	23:57
	Subject Sample #1	0.230	23:58
	Air Blank	0.000	23:59
	Air Blank	0.000	00:00
	Subject Sample #2	0.200	00:00
	Air Blank	0.000	00:01
	Air Blank	0.000	00:03
	Subject Sample #3	0.205	00:03
	Air Blank	0.000	00:04
	Control Test	0.079	00:05
	Air Blank	0.000	00:05
	Diagnostics Check	OK	00:05

Cylinder Lot: 13518080A5
Exp: 08/05/2020

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, _____, 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: 09/29/2019
Signature

Sworn to (or affirmed) before me this 29th day of September, 2019

[Signature] Bryan Vick 821
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

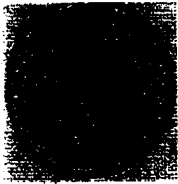
Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., 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.

Observation Time: 2334 - 2354
BRPD Case: 2019-013149

DUI INFLUENCE REPORT



BOCA RATON POLICE SERVICES DEPARTMENT
100 NW 2nd Avenue
Boca Raton, FL 33432



BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT - PART I

On the 28th day of September, at 2213 AM/PM
Subject: Dale Cobb Case Number: 2014-013149

PERSONAL CONTACT

Driving Pattern: See P.C.

Observation of Driver:

Driver's Statement:

Odors:

GENERAL OBSERVATIONS

Speech: See P.C.

Attitude:

Clothing:

Medical Problems:

Medications:

Other:

See P.C.

Horizontal Gaze Nystagmus:

- | | |
|--|---|
| ☐ Left eye does not follow smoothly | ☐ Right eye does not follow smoothly |
| ☐ Left eye jerks at 45 degrees angle or less | ☐ Right eye jerks at 45 degrees angle or less |
| ☐ Distinct jerking left eye maximum deviation | ☐ Distinct jerking right eye maximum deviation |

Can not do, Why? _____

Walk and turn: _____

Can not do, Why? _____

One leg stand: _____

Can not do, Why? _____

Finger to nose: _____

Can not do, Why? _____

Alphabet (speech pattern): _____

Can not do, Why? _____

Breath/Blood test results: 1st). 230 2nd). 200 3rd). 205

State of Florida, County of Palm Beach,
Sworn and subscribed before me this 09/ 12/19 (date) by Ofc. Lauckner

Er L 09/ 12/19
Notary/Clerk of Court/ Officer (FSS 117.10) Date

B. L. 821 Bryan V. K. 821
Signature of Arresting Officer Name of Officer (print)

ARRESTING OFFICER: Ofc. B. VICK

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

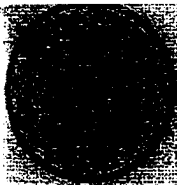
Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____



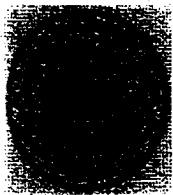
BOCA RATON POLICE SERVICES DEPARTMENT
JUVENILE CONSTITUTIONAL WARNINGS

Rights of suspects prior to custodial questioning.
Identify yourself and state:

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

- (1) You have the right to remain silent and not answer any questions. *Tell me in your own words what you think this means.*
(You do not have to talk to me or answer any questions about this offense. You can be quiet if you want.)
- (2) Any statement you make must be freely and voluntarily given. *Tell me in your own words what you think this means.*
(If you do talk to me it has to be because you want to and not because anyone is forcing you to speak.)
- (3) You have a right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning. *Tell me in your own words what you think this means.*
(You can talk to a lawyer before we ask you any questions and you can have him/her with you now, during our questioning.)
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a court appointed lawyer before you make any statement and during any questioning. *Tell me in your own words what you think this means*
(If you do not have money for a lawyer and you want one, a lawyer will be given to you for free.)
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent. *Tell me in your own words what you think this means.*
(If you decide to talk to me then change your mind, you can stop answering my questions at any time.)
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will. *Tell me in your own words what you think this means*
(I am not allowed to threaten you or make you any promises to get you to talk to me. If you decide to talk, it must be because you want to.)
- (7) Any statement can be and will be used against you in a court of law. *Tell me in your own words what you think this means*
(Anything you say to me can and will be told to the judge or a jury in court. A judge is a person who decides if you have done something wrong. Sometimes a group of people called a jury decide this, but the Judge is the person who decides what punishment you get.)
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: _____ Date: _____ Time: _____



BOCA RATON POLICE SERVICES DEPARTMENT

TESTING FACILITY TASK REPORT

SUBJECT: Dale Cobb

CASE #: 2019-013149 DATE: 09/23/2019

BREATH TEST RESULTS 1st) .230 2nd) .200 3rd) .205

1) TIME 2358 AM/PM AM 2) TIME 0000 AM/PM AM

3) TIME 0003 AM/PM AM 4) TIME _____ AM/PM

BREATH OPERATOR: Ofc. Lauckner #801

MAINTENANCE TECHNICIAN: Ofc. Van Camp

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred speech

ATTITUDE: Calm

CLOTHING: Blue Teeshirt and black pants

MEDICAL CONDITION: None

OTHER: Had red glossy eyes and smelled of an unknown alcoholic beverage

COMMENTS:

BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT - PART II

To be filled out at testing facility

Agency Case #

2019-013149

I. INTRODUCTION

(Instrument Operator faces video camera)

A. The day is Saturday, September, 28, 2019.
(day) (month) (date) (year)

B. The time is now approximately 2355 AM/PM

C. The following is in reference to case number 2019-013149

D. Present at this time is Officer Vick of the Boca Raton Police Department.
(Officer's Name)

E. Officer Vick, have you arrested Dale Cobb in violation of
Florida State Statute 316.193? yes (Defendant's name)

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

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

Operator Note: Video record breath request, breath sample, and interview.

II. 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.

- 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 to a lawful test of your **URINE** for the purpose of determining the presence of chemical or controlled substances.
- 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 or controlled substances.

IMPLIED CONSENT WARNINGS

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 Signature: _____

Note: 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.

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

(IF REFUSAL THEN)

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

The date is _____, _____, _____ and the time is _____ AM/PM.
(month) (day) (year)

A refusal form will be completed by the arresting officer.

Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional 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 a right to the presence 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 and representation 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.
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: Refused to sign Date: _____ Time: _____

QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? yes

Where were you going? PUBLIX, then asked for lawyer

What street or highway were you on? he refused

Direction of travel? _____

Where did you start driving from? _____

What city (county) were you stopped in? _____

What time did you start? _____ AM/PM What time is it now? _____

What is today's date? _____ What day of the week is it? _____

When did you last eat? _____ What did you eat? _____

What have you been doing the past three hours prior to this stop/accident? _____

How much do you weigh? _____ Have you been drinking? _____ What were you drinking? _____

How much? _____ Where? _____ With whom were you drinking? _____

When did you have your first drink? _____ AM/PM When did you stop drinking? _____ AM/PM

Refused

How did you consume your last two drinks? _____

Are you under the influence of alcohol now? ☐ Yes ☐ No

Can you feel the effects of alcohol? ☐ Yes ☐ No

Have you consumed alcohol since the accident? ☐ Yes ☐ No

Can you feel the effects of alcohol? ☐ Yes ☐ No

Have you consumed alcohol since the accident? ☐ Yes ☐ No How much? _____

What? _____ Where? _____

What line of work are you in? _____

When did you last work? _____

Do 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? ☐ Yes ☐ No

Did you get a bump on the head? ☐ Yes ☐ No

Were you in an accident today? _____

Have you taken any drugs or smoked marijuana today? _____

What? _____ When? _____

Have you seen a doctor or dentist today? ☐ Yes ☐ No Who? _____

Are you taking any prescription medications? ☐ 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 problems not correctable by glasses or contact lenses? _____

Do you take insulin? ☐ Yes ☐ No If yes, when was your last injection? _____

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

I am now ending this video recording. The time is now approximately 0010 AM/PM.

The date is September, 29, 2019.
(month) (day) (year)



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2019031744

Date: 09/30/2019

Specialist Name/ID: AM/31562