

0484429

ACT 766

2716

| OBTS Number | | | ARREST / NOTICE TO APPEAR | | | | | 1. Arrest 2. N.T.A. | | 3. Request for Warrant 4. Request for Capias | | 1 Juvenile N | | | | | | | | | |
|--|--|---------------------------------|---|------------------------------------|------------------------------------|--|--|---|--------------------------------|---|--|--|---|---|-----------------------------|--|---|---|----------------|------------------------|--|
| ADMINISTRATIVE | Agency ORI Number FLO 502600 | | Agency Name Palm Beach Gardens Police Department | | | Agency Report Number (N.T.A.'s only) 78- 17-000254 | | | | | | | | | | | | | | | |
| | ChargeType: Check as many as apply. <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony | | <input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor | | | <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other | | Weapon Seized / Type 2 1. Yes 2. No | | Multiple Clearance Indicator | | | | | | | | | | | |
| | Location of Arrest (Including Name of Business) 4100-Blk Munson Ct., PBG, FL 33410 | | | | | | Location of Offense (Business Name, Address) N Military Trail/PGA Blvd., PBG, FL 33410 | | | | | | | | | | | | | | |
| | Date of Arrest 01/13/17 | | Time of Arrest 0031 | | Booking Date | | Booking Time | | Jail Date | | Jail Time | | Location of Vehicle Fountains parking lot | | | | | | | | |
| | Name (Last, First, Middle) De La Pena, Daniel Eduardo | | | | | | | | | | | | Alias (Name, DOB, Soc. Sec. #, Etc.) | | | | | | | | |
| | Race W - White I - American Indian B - Black O - Oriental/Asian | | Sex W M | | Date of Birth 07/22/1988 | | Height 5'10" | | Weight 160 | | Eye Color hazel | | Hair Color brown | | Complexion flush | | Build thin | | | | |
| | Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description) N/A | | | | | | | | | | | | Marital Status S | | Religion Catholic | | Indication of: Alcohol Influence Drug Influence | | Y N UNK | | |
| | Local Address (Street, Apt. Number) 4986 Bonsai Ct. | | (City) Palm Beach Gardens | | (State) Fl | | (Zip) 33410 | | Phone (561) 602-6544 | | Residence Type: 1. City 2. County 3. Florida 4. Out of State | | 1 1 | | | | | | | | |
| | Permanent Address (Street, Apt. Number) | | (City) | | (State) | | (Zip) | | Phone | | Address Source | | Defendant | | | | | | | | |
| | Business Address (Name, Street) | | (City) | | (State) | | (Zip) | | Phone | | Occupation | | Ballenisles Hospitality | | | | | | | | |
| D/L Number, State D415-165-88-262-0, FL | | Soc. Sec. Number | | INS Number | | | | Place of Birth (City, State) Columbia | | Citizenship | | US | | | | | | | | | |
| Co-Defendant Name (Last, First, Middle) | | | | | | Race | | Sex | | Date of Birth | | <input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large | | <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile | | | | | | | |
| Co-Defendant Name (Last, First, Middle) | | | | | | Race | | Sex | | Date of Birth | | <input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large | | <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile | | | | | | | |
| Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other: | | Name (Last) (First) (Middle) | | | | | | | | Residence Phone () | | | | | | | | | | | |
| Address (Street, Apt. Number) | | (City) | | (State) | | (Zip) | | Business Phone () | | | | | | | | | | | | | |
| Notified by: (Name) | | (City) | | (State) | | (Zip) | | 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 <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 355-2526) 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 N. Possess P. Possess | | S. Sell B. Buy T. Traffic | | R. Smuggle D. Deliver E. Use | | K. Dispense/ Distribute | | M. Manufacture/ Produce/ Cultivate | | Z. Other | | Drug Type N. N/A A. Amphetamine | | B. Barbiturate C. Cocaine E. Heroin | | H. Hallucinogen M. Marijuana O. Opium/Deriv. | | P. Paraphernalia/ Equipment S. Synthetics | | U. Unknown Z. Other | |
| Charge Description DUI | | | | | | Counts 1 | | Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N | | Statute Violation Number 316.193(1) | | | | Violation of ORD # | | | | | | | |
| Drug Activity N | | Drug Type N | | Amount / Unit N/A | | Offense # 17-000254 | | Warrant / Capias Number | | | | Bond | | | | | | | | | |
| Charge Description | | | | | | Counts | | Domestic Violence <input type="checkbox"/> Y <input 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 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 type="checkbox"/> N | | Statute Violation Number | | | | Violation of ORD # | | | | | | | |
| Drug Activity | | Drug Type | | Amount / Unit | | Offense # | | Warrant / Capias Number | | | | Bond | | | | | | | | | |
| Location (Court, Room Number, Address) North County Courthouse 3188 PGA Blvd, Palm Beach Gardens, FL 33410 | | | | | | | | | | | | | | | | | | | | | |
| Court Date and Time Month 02 Day 15 Year 2017 Time 1000 AM <input type="checkbox"/> PM <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | |
| 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 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) 01/13/17 | | | | | | | | | | | | | | | | | | | | | |
| I HOLD for other Agency Name: Melissa Connerton 421 | | | | | | Signature of Arresting Officer Name: Melissa Connerton 421 | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal | | | | | | Name of Arresting Officer (Print) Ofc. M. Connerton #421 | | | | | | | | | | | | | | | |
| I am a Deputy Name: Thomas B. B. B. | | | | | | I.D. # 421 | | | | | | | | | | | | | | | |
| I.D. # 421 | | | | | | Transporting Officer M. Connerton | | | | | | | | | | | | | | | |
| Pouch # | | | | | | ID # 421 | | | | | | | | | | | | | | | |
| DISTRIBUTION: WHITE - COURT COPY | | | | | | GREEN - STATE ATTORNEY | | | | | | | | | | | | | | | |
| DISTRIBUTION: WHITE - COURT COPY | | | | | | YELLOW - AGENCY | | | | | | | | | | | | | | | |
| DISTRIBUTION: WHITE - COURT COPY | | | | | | PINK - AGENCY | | | | | | | | | | | | | | | |
| DISTRIBUTION: WHITE - COURT COPY | | | | | | GOLD - DEFENDANT (N.T.A.'s ONLY) | | | | | | | | | | | | | | | |

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 13th DAY OF Januray 20 17, AT 00:10 AM PM

SUBJECT: De La Pena, Daniel Eduardo CASE NUMBER: 17-000254

AGENCY: PALM BEACH GARDENS POLICE DEPT. ARRESTING OFFICER: Ofc. M. Connerton #421

PERSONAL CONTACT

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

On 01/13/17 at 00:10, I observed a white car traveling eastbound PGA Blvd in the right turn lane to travel southbound onto N Military Trail. The vehicle made a right turn passing all southbound lanes of travel, hitting the median crossing over into the northbound lanes. The vehicle then traveled southbound in northbound lanes before making left turn onto Union Square Blvd. I pulled behind the vehicle activating my emergency red and blue lights and audible siren on my patrol car. The vehicle continued into the Fountains Development before parking in a residential parking spot on Munson Ct. I made contact with the hispanic male driver.

OBSERVATION OF DRIVER:

I smelled the odor of an unknown intoxicating beverage coming from the driver. The driver exited the vehicle prior to me exiting my patrol car. Upon my arrival I made contact with the driver, identified as Daniel Eduardo De La Pena by the photograph on his Florida drivers license. I observed De La Pena exit the vehicle from sitting in the driver's seat. I advised De La Pena to sit back in the vehicle, but he started walking away from me towards the hood of the vehicle. De La Pena was unsteady on his feet and was leaning up against his vehicle. I asked De La Pena where he came from and he said, "Paddy Macs", a city bar.

DRIVER'S STATEMENTS:

I asked De La Pena how much he had to drink and he mumbled "too much, too many". De La Pena repeatedly slurred, "wasted, wasted, I'm wasted, I'm wasted!" upon initial contact. I advised De La Pena that I had sobriety tasks for him to perform. De La Pena advised he had no medical/injuries or medication.

ODORS:

strong odor of an unknown alcoholic beverage coming from his breath as he spoke.

GENERAL OBSERVATIONS

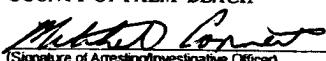
SPEECH: slurred

ATTITUDE: apologetic

CLOTHING: Pink shirt, grey dress pants, brown dress shoes

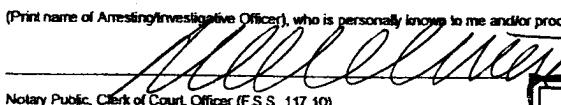
MEDICAL/OTHER: none

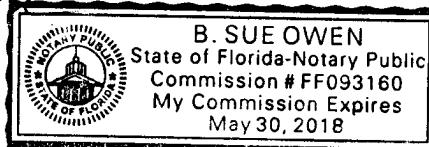
STATE OF FLORIDA
COUNTY OF PALM BEACH


(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 13 day of January 20 17 by ofc Connerton #421

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


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



ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

| | |
|--|---|
| <input checked="" type="checkbox"/> LT EYE-LACK OF SMOOTH PURSUIT | <input type="checkbox"/> RT EYE-LACK OF SMOOTH PURSUIT |
| <input checked="" type="checkbox"/> LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX DEVIATION | <input type="checkbox"/> RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX DEVIATION |
| <input type="checkbox"/> LT EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES | <input type="checkbox"/> RT EYE- ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES |

Other Observations:WALK & TURN:

HGN- was turning his head towards the pen as it was moving, could not maintain focus for onset of nystagmus prior to 45 degrees, he would look at me instead of following the pen

WAT- demonstrated and explained, I asked multiple times if he understood my directions, he advised he understood. I asked him if he could see the line I wanted him to walk on and he said yes, however, he did not do his steps on the line. He did not look down at his feet and he did not spin around as instructed; He just walked back to the starting point. He continued to look at me and at one point lost his balance.

ONE LEG STAND:

demonstrated and explained, he advised that he understood the directions, but he did not have the sole of his shoe parallel to the ground. He continued to point his heel down not following my instructions; at one point he lost his balance.

FINGER TO NOSE:

demonstrated and explained he said he understood. He would not tilt his head back and kept looking forward. He would not immediately put his hand down after touching nose and at one point he lost his balance.

ROMBERG/ALPHABET:

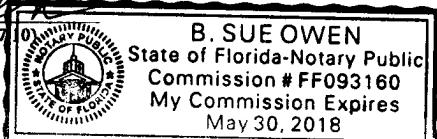
De La Pena stated he knows the alphabet has a college education. He recited correctly until he stopped, stating that he was interrupted. I advised him to continue where he stopped and he began again. He stated, T-U-V-W-R-X.

BREATH TEST RESULTS: 0.210 and 0.211

STATE OF FLORIDA
COUNTY OF PALM BEACH

Mark R. Compton
(Signature of Arresting/Investigative Officer)
The foregoing instrument was notarized or sworn before me this 13 day of January, 2017 by *ofc. Compton #42*
who is personally known to me and/or produced identification. Type of identification produced _____

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



TESTING FACILITY TASK REPORT

AGENCY: Palm Beach Gardens P.D.

SUBJECT: DeLaPENA, Daniel Eduardo

DATE: 01/13/17

BEGINNING TIME: 0116

BREATH TESTS RESULTS: 1) .174 ^{AVNMT} TIME 0124 ^{A.M./P.M.}

3) .211 TIME 0134 ^{A.M./P.M.} 2) .210 TIME 0130 ^{A.M./P.M.}

BREATH OPERATOR: S. Owen #3184

MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLIGHT ACCENT (From Colombia)

ATTITUDE: QUIET, CO-OPERATIVE

CLOTHING: brown shoes, grey slacks, pink shirt

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER: SLIGHT odor of unknown alcoholic beverage detected during many breath tries

COMMENTS: TA/0 & A arrived at 0059 hrs

A/0 observed 20 minutes

A/0 requested breath test, & agreed

A/0 unable to give adequate sample 1ST TRY
Kept stopping - TECH demonstrated.

2ND TRY after many tries was successful.

3RD TRY after several tries, succeeded.

TECH explained results

A/0 read c/w, & understood rights

A/0 answered some of Q&A Admitted drinking beer (.5) at Roco's Tacos Could feel effects, under influence.

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? No Contest

WHERE WERE YOU GOING? I don't want to answer

WHAT STREET OR HIGHWAY WERE YOU ON? I don't want to answer

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? I don't want to answer

WHAT TIME DID YOU START? 10:00 pm WHAT TIME IS IT NOW? Do not know

WHAT IS TODAY'S DATE? 1/13/17 WHAT DAY OF THE WEEK IS IT? Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? West Palm Beach FL Palm Beach County, FL

WHEN DID YOU LAST EAT? 07:30 pm WHAT DID YOU EAT? Rueben, Mofaletta, Swedish meatball

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Was with friends, Row's Tacos for work/drinks

HOW MUCH DO YOU WEIGH? 160 lbs HAVE YOU BEEN DRINKING? yes WHAT? Beer

HOW MUCH? 5 beers WHERE? Row's Tacos WITH WHOM? Dennis Henry

WHEN DID YOU HAVE YOUR FIRST DRINK? Well past ten AND YOUR LAST DRINK? cannot tell you

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Drink them

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? yes sir ARE YOU UNDER THE INFLUENCE? I feel like it

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? No sir HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? Hospitality WHEN DID YOU LAST WORK? Today

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? No sir WHAT? _____

ARE YOU SICK OR INJURED? Neither WHAT'S WRONG? _____

DO YOU LIMP? No sir DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? No sir

WERE YOU IN AN ACCIDENT TODAY? No sir

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? No sir WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No sir WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? No sir WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY? No

GLASS EYE? No

FALSE TEETH? No

EAR INFECTION? No

INNER EAR TROUBLE? 2 weeks ago

DIABETES? No

No

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? Aslygnatism

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? No WHERE? _____

INTERVIEWER: ofc. M. Conneron #421 PBGPD

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

SUBJECT: De la Pena, Daniel, Eduardo CASE NUMBER: 17-000254

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*