

Arrest Report

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

2018CT5166 A&B

Report Date / Time 3/18/2018 6:40:49AM	Report Number FHP99ARR770427	Case Number/CAD Number FHPL18OFF022566 / LWRC18CAD048988	Reporting Officer Name L. TAVARES
Originating Agency ORI FL0509000	Occurrence Date Time Range 3/18/2018 5:58:43 AM -	Jurisdiction	Clearance

Location of Occurrence

Location Type OTHER	Location Description JSO SR-806		
Street Number 1-95 SB	Apt/Lot/Bldg		
County PALM BEACH	City DELRAY BEACH	State FL	Zip 33444

Defendant

First Name DAVID	Middle Name ALEJANDRO	Last Name VELASCO	Suffix	Date Of Birth 9/26/1987	Age 30	Race WHITE	Sex MALE
SSN [REDACTED]	MNI #	Place of Birth Cuba, Ecuador	Height 507	Weight 180	Hair BLD	Eyes BRO	
DL or ID Number V420161873460	ID State FL	ID Type E	Address Type RESIDENCE				
Street Number 1037	Street NW 33RD CT	Apt/Lot/Bldg					
County BROWARD	City POMPANO BEACH	State FL	Zip 33064	Phone Number	Extension		
Location Description CURRENT							

Arrest

Arrest Date/Time 3/18/2018 6:30:38AM	Arrest Location Type OTHER	Arrest Location Description JSO SR 806
Street Number 1-95 SB	Apt/Lot/Bldg	County PALM BEACH
City DELRAY BEACH	State FL	Zip 33444

Charge(s)

Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description DUI ALCOHOL OR DRUGS				

Probable Cause

On March 18th, 2018 Trooper Lucas M. Tavares (3913/1421) with the Florida Highway Patrol was on active DUI patrol in Palm Beach County, Florida. I was in a jurisdictional marked FHP unit equipped with overhead emergency lights and external siren. At approximately 6:00 am I received a call in reference to a multi-vehicle crash, located on Interstate-95 (southbound) just south of Atlantic Avenue. Tpr. Escaran (1105) was immediately on scene.

I then arrived on scene where I observed two vehicles on the left shoulder. One Black in color Chrysler and one White in color Ford. Tpr. Escaran stated to me that when he arrived on scene he observed a white male still behind the wheel of the black in color Chrysler. He then rendered assistance to both drivers. He stated that both drivers refused medical treatment. He also stated to me that the driver of the Black Chrysler was possibly under the influence based upon his observations made on scene and within contact with the driver.

SCANNED
MAR 22 2018

2/18 MAR 19 PM 4:17
 FLORIDA HIGHWAY PATROL
 PALM BEACH COUNTY
 GUN CLUB

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I then later identified the driver to be David Alejandro Velasco by his Florida's Driver's License: (V420-161-87-346-0). I then came in contact with Mr. Velasco who was next to his vehicle. I could observe that he had a heavy sway while standing. I then had Mr. Velasco come back to in front of my patrol vehicle. I advised Mr. Velasco that Tpr. Escaran, who worked the crash investigation, is done and im going to conduct a DUI investigation. I asked him to explain what happened and while he was talking I could detect a strong odor of an unknown alcoholic beverage on his breath that grew stronger as he spoke. I asked him if he had anything to drink and he stated no. I then advised him that I could smell alcohol and then he changed his answer to two beers. I asked him where and he stated on Atlantic Avenue.

Based upon my observations made on scene, within contact with the subject (David Velasco), and the totality of the circumstances I requested him to perform a series of road side exercises (Standardized Field Sobriety Exercises). Mr. Velasco stated that he would perform the exercises.

Standardized Field Sobriety Exercises (SFSE):

The area for the following roadside exercises was a level hard surface and was free of debris. The weather was clear. Lighting was well lit and was illuminated with surrounding ambient light and vehicle lights.

Horizontal Gaze Nystagmus:

I advised the subject to stand straight with their feet together and arms down by their side. I asked subject if he wears any glasses or contacts, he advised that he does not. For the exercise I used my issued red in color pen light. I asked the subject if they could see the red pen light, he stated yes. The subject was asked about any current medical conditions, he stated that he does not have any. I advised the subject to follow the red pen light with their eyes, and to not move their head. I asked subject if they understood the instructions I gave to them. They stated yes. I asked if he had any questions, he stated no.

The following was observed during Horizontal Gaze Nystagmus:

The subject had dilated pupils.

- 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

I had to instruct subject again to keep his head straight and follow the red pen light with his eyes. Subject was moving his head. While standing within close proximity of the subject, I could detect a strong and distinct odor of an unknown alcoholic beverage, and his eyes were bloodshot and watery. Subject was swaying.

The following was observed during Vertical Gaze Nystagmus:

- Subject had Vertical Gaze Nystagmus.

Walk and Turn Exercise:

The area for the following roadside exercises was level and free of debris. We used a white in color traffic line. The line was illuminated with surrounding light and vehicle lights.

(Starting Position): I advised the subject to place their left foot on the white in color line and their right foot directly in front

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of it, touching heel to toe. I advised the subject to keep their arms down by their side and to stay in that position until I advise them to begin the exercise.

(Instructional Phase): This exercise was first explained to the subject then was demonstrated by myself. Subject advised that they would be able to perform the exercise. Subject advised that they had no injuries that would affect the exercise. Subject advised me that they understood instructions and did not have any questions.

- The following was observed during the instructional phase of the exercise:

Subject was swaying and stepped out of the starting position multiple times.

- The following was observed during the walking phase of the exercise:

Subject missed heel to toe, performed an improper turn, after turn he steadied himself, used arms for balance (raised above six inches), subject stepped off the line, subject took 10 steps on the second set, and subject did not count out loud.

Subject displayed 7/8 Clues specific to the Walk and Turn Exercise.

One Leg Stand Exercise:

The area for the following roadside exercises was level and free of debris.

(Starting Position): I instructed the subject to stand with their feet together and keep their arms down by their side. I instructed the subject to stay in that position until I tell them to start the exercise.

(Instructional Phase): This exercise was first explained to the subject then was demonstrated by myself. Subject advised that they will be able to perform the exercise. Subject advised me that they had no injuries that would affect the exercise. Subject advised that they understood instructions and did not have any questions.

-The following was observed while the subject was in the starting position:

Subject was swaying.

- The following was observed during the exercise:

Subject was swaying while balancing. Subject placed foot down prior to completing the exercise. Subject did not look at his foot as instructed I had to reinstruct. Subject lost balance and used arms for balance

Subject displayed 3/4 clues specific to the one leg stand.

Based upon my observations and the totality of circumstances, Mr. Velasco was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 06:30 AM. Mr. Velasco was then searched and placed in my patrol vehicle, and transported to the Palm Beach County Jail. While in transport to the Palm Beach County Jail there was an obvious strong odor of an unknown alcoholic beverage within my vehicle that was not present prior to placing the defendant in the vehicle.

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The defendant arrived at the Palm Beach County Jail at 07:00 AM. I then conduct a 20min observation of the subject. The subject did not have any foreign objects in their mouth prior to the 20 minute observation. Throughout the observation the subject did not take anything by mouth or regurgitated. After the 20 minute observation, the defendant was then given the opportunity to provide a sample of their breath which they consented to provide (On Video). The defendant's first breath was given at 7:24 AM and resulted in a .200 . The defendant's second breath was given at 07:27 AM and resulted in a .194.

I then read the subject the Miranda Warning in which he stated that he understood. The subject was asked about what happened earlier and he stated that he was driving southbound on Interstate 95 and collided with another vehicle. He stated that he was coming from Elmo's Bar in Boynton Beach Florida and had consumed three beers that night. He stated that he was the only one in the vehicle and he was operating a vehicle at the time of the crash. He stated that he did not consume any alcohol after the crash.

Suspect Vehicle: 2017 Black Chrysler 300 with Florida Tag: (HMSC80) attached. Registered to: DAVID ALEJANDRO VELASCO (Subject).

Video of the incident, roadsides and transport are available through the FHP custodian. The above incident did occur in Palm Beach County, Florida.

Jail Booking Facility

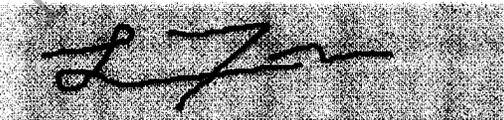
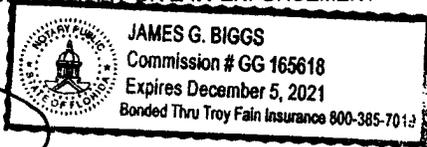
Booking Date/Time 3/18/2018 7:43:50AM	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

Court

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 4/16/2018 08:30 AM	Court Fine
Comments			

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name L. TAVARES	Officer Rank TROOPER	Officer ID No 3913	Sworn and subscribed before me, the undersigned authority This the <u>18</u> day of <u>March</u> , <u>2018</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		
			

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Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

NOT A CERTIFIED COPY

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TESTING FACILITY TASK REPORT

AGENCY: FHP-TAVARES

SUBJECT: VELASCO, DAVID A

CASE NUMBER: 18-051543

DATE: Mar 18, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0720

ENDING TIME: 0734

BREATH TESTS RESULTS: 1) .200 TIME 0724 A.M. P.M. 2) .194 TIME 0727 A.M. P.M.
3) XX TIME XX A.M. P.M. 4) XX TIME XX A.M. P.M.

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICIAN: D/S J Karklecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: COOPERATIVE

CLOTHING: GREEN SHIRT, BLUE SHORTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY, RED
ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0700
SUBJECT ADVISED HE WOULD SUBMIT TO THE BREATH TEST
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY
MIRANDA WAS READ TO THE SUBJECT
SUBJECT SUBMITTED TO THE QUESTIONS
RESULTS WERE GIVEN TO THE SUBJECT

SCANNED
MAR 22 2018

SUBJECT: David Alejandro Velasco CASE NUMBER: FHPL180FF02

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.

BREATH
-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

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SUBJECT: David Alejandro Velasco CASE NUMBER: FHDL18OFF02

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? yes

WHERE WERE YOU GOING? Home Pompano Beach

WHAT STREET OR HIGHWAY WERE YOU ON? 95 SB

DIRECTION OF TRAVEL? S WHERE DID YOU START? Baynton Beach

WHAT TIME DID YOU START? ~~3:00~~ WHAT TIME IS IT NOW? 2:00-3:00 am

WHAT IS TODAY'S DATE? 3/17/18 WHAT DAY OF THE WEEK IS IT? Saturday

WHAT COUNTY AND CITY ARE YOU IN NOW? Broward County

WHEN DID YOU LAST EAT? 9 hrs ago WHAT DID YOU EAT? Pizza

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Elmo's

HOW MUCH DO YOU WEIGH? 185 HAVE YOU BEEN DRINKING? yes WHAT? Beer

HOW MUCH? 3 WHERE? Elmo's WITH WHOM? friends

WHEN DID YOU HAVE YOUR FIRST DRINK? 9:30 pm AND YOUR LAST DRINK? 11:30 pm

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Medium

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? NO HOW MUCH? ---

WHAT? --- WHERE? --- WHEN? ---

WHAT LINE OF WORK ARE YOU IN? Transportation WHEN DID YOU LAST WORK? Saturday

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO WHAT? ---

ARE YOU SICK OR INJURED? NO WHAT'S WRONG? ---

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

WERE YOU IN AN ACCIDENT TODAY? yes

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? ---

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? --- WHY? ---

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? --- WHEN? ---

DO YOU HAVE:	EPILEPSY?	<u>NO</u>
	GLASS EYE?	<u>NO</u>
	FALSE TEETH?	<u>NO</u>
	EAR INFECTION?	<u>NO</u>
	INNER EAR TROUBLE?	<u>NO</u>
	DIABETES?	<u>NO</u>

SCANNED
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DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? NO

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: _____