

0504027

3232

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		Juvenile	
Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number (N.T.A.'s only) 06-18-159081					
Charge Type: Check as many as apply ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Weapon Seized / Type ☐ 1. Yes ☒ 2. No		Multiple Clearance Indicator 01					
Location of Arrest (Including Name of Business) OKEECHOBEE BOULEVARD (W) OF FOLSOM ROAD LOXAHATCHEE FL 33470		Location of Offense (Business Name, Address) OKEECHOBEE BV (W) OF FOLSOM RD LOXAHATCHEE FL 33470							
Date of Arrest 12/23/2018	Time of Arrest 21:06	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle OWNERS RESIDENCE			
Name (Last, First, Middle) CARBERRY DAVID M		Alias (Name, DOB, Soc. Sec. #, Etc.)							
Race W - White I - American Indian B - Black O - Oriental/Asian	Sex W	Date of Birth 03/15/1953	Height 510	Weight 210	Eye Color BRO	Hair Color BRO	Complexion MED	Build MED	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) NONE		Marital Status S	Religion PROTESTANT	Indication of Alcohol Influence ☐ Y ☐ N ☐ Unk					
Local Address (Street, Apt. Number) 17623 41ST RD N LOXAHATCHEE FL 33470		Phone (513) 720 4051		Residence Type 1. City 2. County 3. Florida 4. Out of State 2					
Permanent Address (Street, Apt. Number)		Phone		Address Source DEFENDANT					
Business Address (Name, Street)		Phone		Occupation RETIRED					
D/L Number, State (OH) RU214260		Soc. Sec. Number		INS Number		Place of Birth (City, State) HAMILTON OH		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 Legal Custodian Other		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. ☐ Yes, by (Name) ☐ No (Reason)		School Attended		Grade					
Property Crime? ☐ Yes ☐ No		Description of Property		Value of Property					
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic	R. Smuggle D. Deliver E. Use	K. Dispense/ Distribute	M. Manufacture/ Product/ 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 D.U.I.		Counts 1	Domestic Violence ☐ Y ☒ N	Statute Violation Number 316.193 (1)		Violation of ORD #			
Drug Activity U		Drug Type U	Amount / Unit	Offense # 18-159081	Warrant / Capias Number		Bond		
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number		Violation of ORD #			
Drug Activity		Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond		
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number		Violation of ORD #			
Drug Activity		Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond		
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number		Violation of ORD #			
Drug Activity		Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond		
Location (Court Room Number, Address) PALM BEACH COUNTY CRIMINAL JUSTICE COMPLEX - 3228 GUN CLUB RD WEST PALM BEACH FL, 33406									
Court Date and Time Month JANUARY Day 17 Year 2018 Time 0830 AM X 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. 12/23/2018									
Signature of Defendant (or Juvenile and Parent/Custodian) <i>David Carberry</i>		Date Signed							
HOLD for other Agency Name:		Signature of Arresting Officer <i>PCP 9418</i>		Name Verification (Printed by Arrestee)					
☐ Dangerous ☐ Suicidal ☐ Resisted Arrest ☐ Other:		Name of Arresting Officer (Print) Corporal R Soriano		I.D. # #9418		(PRINT)		PAGE	
Intake Deputy <i>SPINN 8101</i>		Pouch #		Transporting Officer <i>CRISORIANO</i>		ID # 9418		Agency PBSO	
Witness here if subject signed with an -X-		1		OF 1					

2019CT22790

		PROBABLE CAUSE AFFIDAVIT		1 Arrest 2 NTA		3 Request for Warrant 4 Request for Capias		1		Juvenile	
ADMIN	OBT Number		Agency ORI Number		Agency Name		Agency Report Number				
	FLO. 5 0 0 0 0 0 0		PALM BEACH COUNTY SHERIFF'S OFFICE				18159081				
CHARGES	Charge Type		Charge Description		Charge Description		Special Notes				
	☐ 1 Felony ☐ 2 Traffic Felony ☐ 3 Misdemeanor ☐ 4 Traffic Misdemeanor ☐ 5 Ordinance ☐ 6 Other										
DEE	Name (Last, First, Middle)		Alias		Race		Sex		Date of Birth		
	CARBERRY DAVID MICHAEL				W		M		03/15/1953		
VICTIM	Victim's Name (Last, First, Middle)		Local Address (Street, Apt Number)		(City)		(State)		(Zip)		Phone
	STATE OF FLORIDA										
PROBABLE CAUSE STATEMENT	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 _____ ☐ was observed by _____ who told _____ ☐ that he/she saw the arrested person commit the below acts. admitting to the below facts. _____ was found to have committed the below acts, resulting from my (described) investigation. On the <u>23</u> day of <u>DECEMBER</u> 20<u>18</u> at <u>08:18</u> ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.) On the above date and time while responding as a backup unit for another deputy on a traffic stop I observed a black in color, Dodge Ram, bearing OH tag; HGA2902, fail to slow down and move over while traveling eastbound on Okeechobee Blvd. There were other vehicles traveling westbound on Okeechobee Blvd at the time. The pickup squeezed between westbound traffic and my PBSO fully marked vehicle which was on the side of the road with all the emergencies lights illuminated. The black Dodge Ram continued traveling eastbound on Okeechobee Blvd approaching Folsom RD. I initiated a traffic stop on said vehicle. When I approached the window I was met by: DAVID M. CARBERRY, W/M, DOB 03/15/1953, who provided me with his Ohio State driver's license. While speaking with David I could smell the odor of an unknown alcoholic beverage. David's eyes were glassy and bloodshot and his face pigment appeared to be red in color. At this time I notified dispatch for a DUI Unit to respond to my location. DUI-11 arrived and continued his investigation for possible DUI. Davis was issued a citation for failure to move over or slow down for emergency vehicle, contrary to FSS 316.126(1)(b). This ends my involvement in this case											
ADMINISTRATIVE	STATE OF FLORIDA COUNTY OF PALM BEACH		(Signature of Arresting Investigative Officer)		23		December		20		18
The foregoing instrument was sworn to, examined and subscribed before me this _____ day of _____ 20____. (Print name of Arresting Investigative Officer) who is personally known to me and/or produced identification. Type of identifier produced _____ Notary Public, Clerk of Court, Officer (F.S.S. 117.20)											
PAGE 1 OF 1											

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 23 DAY OF DECEMBER 20 18, AT 2018 AM ☒ PM
SUBJECT: CARBERRY DAVID M CASE NUMBER: 18-159081
AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Corporal R Soriano

PERSONAL CONTACT

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

On Sunday December 23, 2018 at approximately 20:25 hours, I responded to a traffic stop located near the intersection of Okeechobee Blvd and Folsom Road in unincorporated Palm Beach County. Upon my arrival, I observed a black Dodge Ram pickup truck bearing Ohio tag "HGA2902" parked on the shoulder and three patrol vehicles parked directly behind with their emergency lights activated. Upon exiting my vehicle, I met with Deputy Tejada #26703 who told me the following, "while responding as a backup unit for another deputy on a traffic stop I observed a black in color, Dodge Ram, bearing OH tag; HGA2902, fail to slow down and move over while traveling eastbound on Okeechobee Blvd. There were other vehicles traveling westbound on Okeechobee Blvd at the time. The pickup squeezed between westbound traffic and my PBSO fully marked vehicle which was on the side of the road with all the emergencies lights illuminated. The black Dodge Ram continued traveling eastbound on Okeechobee Blvd approaching Folsom RD. I initiated a traffic stop on said vehicle.

When I approached the window I was met by; DAVID M. CARBERRY, W/M, DOB 03/15/1953, who provided me with his Ohio State driver's license. While speaking with David I could smell the odor of an unknown alcoholic beverage. David's eyes were glassy and bloodshot and his face pigment appeared to be red in color. At this time I notified dispatch for a DUI Unit to respond to my location."

OBSERVATION OF DRIVER:

I then approached the Dodge pickup truck and met with the driver, who I identified as David Michael Carberry by his Ohio driver's license. I observed Carberry was wearing black sweat shirt, blue jean pants and black shoes. I asked Carberry if he was aware of why he was being stopped and he answered "yes" and told me it was for failure to move over. I observed Carberry's eyes and noticed both eyes were red and glossy. I observed that he was slurring his words. Carberry was upset and did not agree with the traffic stop. I explained to Carberry that the stopping deputy was under the suspicion that he may have consumed an unspecified amount of an unknown alcoholic beverage which may have impaired his ability to operate a vehicle safely. I asked Carberry if he was willing to exit his vehicle to perform field sobriety tasks which he agreed to.

DRIVER'S STATEMENTS:

I asked Carberry if he had been drinking or used any drugs and Carberry stated he drank a few bud light beers at his home. I asked Carberry if he had any medical problems and/or previous injuries and he stated he has issues with his hip and pointed at his right hip. I asked Carberry if he wore any glasses or contacts to correct his vision and he answered "no." Carberry had a pair of magnified glasses hanging from his jacket. I asked Carberry if he takes any medications and he answered "yes." Carberry stated he takes lisinopril, metformin, plavix, vitamins and daily aspirin.

ODORS:

Obvious odor of an unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: slurred, thick, slow, unclear

ATTITUDE: calm, compliant, upset

CLOTHING: wearing blue jean pants pants and black jacket.

MEDICAL/OTHER: NONE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Corporal R Soriano

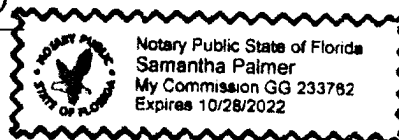
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 23rd day of December 20 18 by Corporal R Soriano

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

Samantha Palmer #24520

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



SUBJECT: CARBERRYDAVIDCASE NUMBER 18-159081**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:

Once positioned in the front of my vehicle, I continued my investigation. I instructed Carberry to keep his hands by his side, stand with his feet together, and follow a red light stimulus with his eyes not turning his head. I asked him if he understood my instructions. Once Carberry verbally stated he understood my instructions, I performed the task. I observed both eyes to be red, bloodshot, and glossy. His left and right eye displayed equal pupil size, equal tracking, and a lack of smooth pursuit. I observed distinct and sustained nystagmus was present in both his left and right eye at maximum deviation during two separate four second evaluations. The onset of nystagmus was prior to a 45 degree angle in both his left and right eye during two separate four second evaluations. Vertical nystagmus was not present in both the left and right eye during two separate four second evaluations. While conducting the task, I had to remind him to keep hands by his side, not turn his head and follow the stimulus multiple times.

WALK & TURN:

I positioned Carberry on a yellow line created using yellow duct tape, which was on a smooth and level surface, free of any debris and well lit by the headlights on my vehicle. I instructed Carberry to place his left foot on the line and his right foot in front of the left touching heel to toe. While explaining the task, Carberry began walking and while doing so did not listen to instructions and had to be told to walk back to the beginning of the line so I could give him instructions. I had him place his left foot on the line and his right foot in front of his left and place his arms down by his sides. I instructed him that he was to keep his hands at his side and stay in this position until I instructed him to do otherwise. Once placed into the instructed position, I explained and demonstrated the rest of the task. During the task, I observed Carberry swayed while balancing, (started too soon during the instructions), did not touch heel to toe, stepped off the line, used arms to maintain balance (+6"), did not turn properly as he lost his balance while turning, causing him to stagger. Carberry took the incorrect number of steps.

ONE LEG STAND:

I placed Carberry with his feet together and arms at his side. Once Carberry was placed into the instructed position, I explained and demonstrated the task. Once Carberry stated he understood, the task was performed. During the task, I observed Carberry could not maintain the instructed position, swayed while standing stationary and was shaky once on one foot. While raising his foot he, put foot down 3 times within 30 seconds.

FINGER TO NOSE:

I instructed Carberry to stand with his feet together, make each hand into a flat keeping, extended his index fingers and to place his palms facing up. He was instructed to lower his arms by his side. I instructed and demonstrated the proper hand and arm position and for him to remain in this position while I demonstrated the rest of the task. I instructed and demonstrated him to tilt his head back approximately 45 degrees and close his eyes while waiting for a verbal command of left or right. On the command of "left" or "right", he would raise the requested hand, touch the tip of his finger to the tip of his nose, then bring his hand immediately back down to his side. During the instruction and demonstration of the task, Carberry swayed while standing in the instructional position. I asked him if he understood the instructions I provided and he verbally stated he understood. I instructed him to start the task as explained. During the task, I observed did not keep eyes closed, failed to return arms to side, correct finger did not touch tip of nose on every left command. Carberry used wrong hand.

ROMBERG ALPHABET:

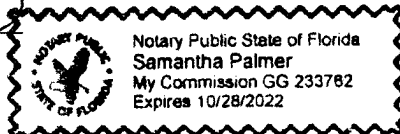
I verbally inquired if Carberry could recite the entire English alphabet. He stated he was not comfortable to recite the English alphabet, so I instructed him to place his feet together with his arms at his side and stay in this position until I told him to do otherwise. I instructed him that upon starting he was to tilt his head back approximately 45 degrees and close his eyes. He would begin to count in a slow and methodical manner. I asked him if he understood the instructions and he verbally replied he understood. During the instructions he continued to sway while standing stationary. I instructed Carberry to start the task as explained. During the task, I observed Carberry swayed more than (+2") from side to side.

BREATH TEST RESULTS: 1) .078 2) .077 3) 4)STATE OF FLORIDA
COUNTY OF PALM BEACH**Corporal R Soriano**

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 23rd day of December 2018 by Corporal R Soriano(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced known**Samantha Palmer #24528**

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



WITNESS LIST

CASE NUMBER: 18-159081

ARRESTING OFFICER: Corporal R Soriano

ADDRESS: 3228 GUN CLUB RD WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME): _____ (WORK) 561-688-3000

CAN TESTIFY TO: FACTS OF CASE AND INVESTIGATING SUCH CASE

NAME: Inv White #7209

ADDRESS: 3228 GUN CLUB RD WEST PALM BEACH, FL 33406

PHONE NUMBERS (HOME) _____ (WORK) 561-688-3000

CAN TESTIFY TO: FACTS OF CASE

NAME: Deputy A Tejeda #26703

ADDRESS 3228 Gun Club Road Wpb Fl, 33406

PHONE NUMBERS (HOME) _____ (WORK) 561-688-3000

CAN TESTIFY TO: facts of case

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) () (WORK) ()

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

TESTING FACILITY TASK REPORT

AGENCY: PBSO/SORIANO

SUBJECT: CARBERRY, DAVID

CASE NUMBER: 18-159081

DATE: Dec 23, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2225

ENDING TIME: 2249

BREATH TESTS RESULTS: 1) .078 TIME 2228 A.M. ☐ P.M. ☒ 2) .077 TIME 2231 A.M. ☐ P.M. ☒
3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICIAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLIGHT SLUR

ATTITUDE: QUIET, UPSET IRRITATED

CLOTHING: BLACK JACKET, BLUE JEANS, BLACK SNEAKERS

MEDICAL CONDITIONS: ARTHRITIS, HAD HEART SURGERY

MEDICATIONS: "A LOT OF THEM"

OTHER:

EYES GLASSY AND BLOODSHOT, ODOR OF UNKNOWN ALCOHOLIC BEVERAGE COMING FROM HIS BREATH,

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 2143
SUBJECT AGREED TO TAKE BREATH TEST
TECH READ TEST RESULTS
SUBJECT STATED HE UNDERSTOOD RESULTS
A/O REQUESTED URINE SAMPLE, SUBJECT REFUSED TO PROVIDE URINE SAMPLE
A/O READ I/C, SUBJECT STATED HE UNDERSTOOD I/C
AND AGAIN REFUSED TO PROVIDE URINE SAMPLE @ 2241
A/O READ RIGHTS
SUBJECT STATED HE UNDERSTOOD RIGHTS
A/O CONDUCTED Q&A
SUBJECT ANSWERED QUESTIONS

SUBJECT: _____ CASE NUMBER: _____

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) _____

SUBJECT: _____ CASE NUMBER: _____

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? Dinner

WHAT STREET OR HIGHWAY WERE YOU ON? Okemuhole Blvd

DIRECTION OF TRAVEL? East WHERE DID YOU START? My home on Okemuhole

WHAT TIME DID YOU START? 11:45 AM WHAT TIME IS IT NOW? 10:30

WHAT IS TODAY'S DATE? 10-10-11 WHAT DAY OF THE WEEK IS IT? Monday

WHAT COUNTY AND CITY ARE YOU IN NOW? Wichita, Kan.

WHEN DID YOU LAST EAT? 11:20-11:30 WHAT DID YOU EAT? chicken

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Nothing

HOW MUCH DO YOU WEIGH? 170 HAVE YOU BEEN DRINKING? Yes WHAT? Beer

HOW MUCH? 2 WHERE? Home WITH WHOM? Alone

WHEN DID YOU HAVE YOUR FIRST DRINK? 11:00 AND YOUR LAST DRINK? 11:30

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Alone

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? Yes ARE YOU UNDER THE INFLUENCE? Yes

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

WHAT? No WHERE? No WHEN? No

WHAT LINE OF WORK ARE YOU IN? Police WHEN DID YOU LAST WORK? 10-10-11

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

ARE YOU SICK OR INJURED? No WHAT'S WRONG? No

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

WERE YOU IN AN ACCIDENT TODAY? No

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

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

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? Yes WHAT? Medicine WHEN? 10-10-11

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>Yes</u>

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? No

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? Yes WHERE? California

INTERVIEWER: INV

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006029 Software: 8100.27
Date of Test: 12/23/2018

Date of Last Agency Inspection: 12/14/2018

Observation Period Began: 21:43

Subject's Name: DAVID M CARBERRY

DOB: 03/15/1953 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	22:27
	Air Blank	0.000	22:27
	Control Test	0.081	22:27
	Air Blank	0.000	22:28
	Subject Sample #1	0.078	22:28
	Air Blank	0.000	22:29
	Air Blank	0.000	22:31
	Subject Sample #2	0.077	22:31
	Air Blank	0.000	22:32
	Control Test	0.081	22:32
	Air Blank	0.000	22:33
	Diagnostics Check	OK	22:33

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, SAMANTHA M. PALMER, 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: 12/23/18

Sworn to (or affirmed) before me this 23 day of December, 2018

Signature of Notary Public-State of Florida

INV. Soriano #9418
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.

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, **Corporal R Soriano**, a duly certified Law Enforcement Officer or Correctional Officer,
 (Name of Officer reading Implied Consent Warning)

am a member of **Palm Beach County Sheriff's Office**, and I do swear
 (Name of law enforcement agency)

or affirm that on or about the **23rd** day of **December**, 20 **18**, at **21:06** ☐ P.M. ☐ A.M.

DRIVER **DAVID** **M** **CARBERRY**
 (Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# **(OH) RU214260**, state of **FLORIDA**, was placed under lawful arrest for

the offense of **D.U.I.** by **Corporal R Soriano** and
 (Name of Arresting Officer)

issued Citation # **A2G3QIP**

That on or about the **23** day of **DECEMBER**, 20 **18**, at **22:41** ☒ P.M. ☐ A.M.

in **PALM BEACH** County,

I requested that the driver submit to a **breath and/or** ☒ **urine** test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.


 Signature of Law Enforcement Officer or
 Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

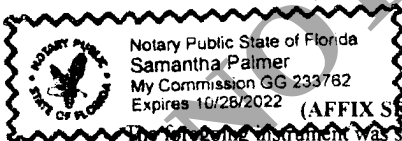
The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.



The foregoing instrument was sworn and subscribed before

me this **23rd** day of **December**, 20 **18**,

by **Corporal R Soriano**,

who is personally known to me or who has produced
 known as identification

Notary Public **Samantha Palmer #24520**



**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	☐	539.001, F.S., 539.003, F.S.	Other: Pawn Broker Information	
	☐	943.031(2)	Other: Names of Gangs Criminal Activity	

REVIEW COMPLETED BY

Booking Number: 2018042337

Date: 12/24/2018

Specialist Name/ID: M. Tooks #8557